answer to the second question was plainly no. And when the passions have died, some of the men who voted against Strauss will regret it, for simple human reasons if not also for political reasons.

Mr. Speaker, I am greatly pleased that this House had no part in this infamous treatment of a thoroughly dedicated public servant. And I am equally pleased that our party, with but insignificant defections, stood squarely in back of the President's nomination. In my opinion political repercussions over this incident are in the making, and on the record they can only affect the opposition who went so far out of their way to display their personal dislikes and frustrations.

Los Angeles Elks Lodge 99 Observes Annual Flag Day Ritual

EXTENSION OF REMARKS
OF
HON. GLENARD P. LIPSCOMB
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 23, 1959

Mr. LIPSCOMB. Mr. Speaker, on June 10 the Los Angeles Elks Lodge No. 99 conducted its annual Flag Day ritual under the chairmanship of Mr. Charles R. Tyson, Americanism chairman of the lodge.

During the inspiring and beautiful program, presented basically in the form of a question-and-response service, there was presented a comprehensive history of the evolution of the American flag from colonial days until the present, a prayer, a presentation of the new 49-star flag to the lodge, and a discussion of our struggles over the years for freedom under the Stars and Stripes as our symbol of the American way of life. Another highlight of the ritual was the uncovering of a floral bell of liberty, made up of red, white, and blue flowers, representing not only the colors of the flag but the ideals we live by.

Mr. Speaker, I believe it would be very worth while if greater stress were placed nationwide on celebrating Flag Day, for it is an inspiring way of focusing attention to our beautiful flag and its meaning as a symbol of America.

Reducing the Gold Supply

EXTENSION OF REMARKS
OF
HON. PHILIP. J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 23, 1959

Mr. PHILBIN. Mr. Speaker, many Members of Congress, as well as economists, businessmen, and interested citizens are greatly concerned by the continuing heavy outflow of gold from the United States.

During recent periods of time many American and international financial officials have been concerned by these heavy gold movements.

Last year the United States suffered its biggest gold outflow in the amount of $2,500 million. During the last 2 weeks of April the United States lost $179 million in gold, or more than in the entire first quarter of the year.

Many reasons and excuses have been given for this outflow of gold but none of them are very convincing to the ordinary American citizen who looks upon the dissipation of our gold reserves with alarm.

Technical reasons indicate that the United States is running a deficit in its overall transactions with the rest of the world. The principal reason for the deficit is that American exports have not kept pace at a time when imports have greatly increased.

Congress should begin to ask itself the question, "How long can we afford to stand these huge drains on our gold supply?" To some, sluggishness of U.S. imports indicates that American goods have been priced out of world markets. How are these gold shipments tied in with the fact that the British budget has been balanced and British taxes have been reduced, while our budget is not balanced and taxes are increasing?

The British have been gaining reserves in ordinary international transactions during the year. They are also leaving their gains in dollar form rather than converting them into gold in order to build up the necessary balance to repay $200 million to the International Monetary Fund. That payment was made and it is, therefore, likely that future gains in trade balances will be converted into gold in keeping with past British practice and custom.

Does this account in large part for the outflow of gold during April? The interest rate differential indicates high rates in New York and low rates in London, Amsterdam, and Frankfort. Since this is expected to result in foreign investments in the United States, it should normally step up the export account in whatever amount is invested by other nations here.

However, as many economists and businessmen know, only steady and marked increases in exports can permanently affect trade balances and effectually stop the flow of gold from the United States.

When is this Congress going to realize that the reciprocal trade treaties are causing a flow of cheaply produced foreign goods into the United States and other nations that is undermining most of our markets overseas and causing widespread unemployment and depression in many industries in this country. It is high time that something was done to bring order out of chaos that exists in our international and domestic economic, financial, and monetary affairs. Congress should act and I urge this course now without delay.

SENATE

WEDNESDAY, JUNE 24, 1959

The Senate met at 11 o'clock a.m.

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

Our Father God, to Thee, our strong tower and refuge, we come, as to the shadow of a great rock in a weary land. Lift us from the dust and mire of the past, with all its failures, that those who here speak for the Nation may be girded for a new day's work, as upon their strength and ability are laid the burdened needs of the Nation and of the world.

Deliver us from the web of outgrown precedents and from the sophistries of mere party shibboleths.

In the vineyard of our inner lives which each one must tend, may there be found the fruits of the spirit—love, joy, peace, long suffering, gentleness, meekness, temperance, and faith.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, June 23, 1959, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on June 23, 1959, the President had approved and signed the act (S. 2094) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 187)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, I transmit herewith for the information of the Congress the first semiannual report of the National Aeronautics and Space Administration, covering the period October 1, 1958, through March 31, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *June 24, 1959.*

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 498. An act to extend the life of the Alaska International Rail and Highway Commission, and to make a change in the membership of such Commission; and

S. 1968. An act to strengthen the wheat marketing quota and price support program.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Finance was authorized to meet during the session of the Senate today.

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

LIMITATION OF DEBATE DURING MORNING HOUR

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

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

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, we are going to proceed full steam ahead with the appropriation bills. We shall take up the general government appropriation bill; and I hope it can be followed by the Health, Education, and Welfare appropriation bill.

The Health, Education, and Welfare appropriation bill is one of the most important which the Congress will consider this year. It has a direct effect on the daily lives of all the people of America. It is my hope that we shall achieve a measure which will strengthen even further medical research, so as to protect the lives of our citizens.

Mr. President——

The VICE PRESIDENT. The Senator from Texas.

SECRETARY OF STATE HERTER AND HIS REPORT TO THE NATION

Mr. JOHNSON of Texas. Mr. President, the Secretary of State, Christian Herter, reported to the people, last night, in a clear, firm, and dignified manner. He made clear something that cannot be reiterated too often, namely, that the United States will stand firm and will not yield the freedom of West Berlin.

His report was a forthright one. It places the blame for the failure of the Geneva talks squarely where the blame belongs—on the refusal of the Communists to negotiate in any spirit of honorable give-and-take.

Mr. DIRKSEN. Mr. President, yesterday I had occasion to have the Secretary of State as a luncheon guest. I wish we could have had more persons present. However, in view of the limited facilities, only a small number could be on hand.

At that time Secretary of State Herter gave us something of a fill-in on his experiences at Geneva and what he saw down the road.

As I listened to his statement, yesterday and also last night, which was without embellishment, but was set forth in complete candor, I never before was so proud of Chris Herter, our Secretary of State. He gave to the American people an unvarnished statement—without coloration, without any withholding of the truth—in order to acquaint them with the seriousness of the problem which confronts our country and the world. I think he has demonstrated most forcefully that he is worthy of his spurs as our Secretary of State.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. I was very much pleased that the Secretary of State, in his brief visit with me yesterday, observed that he found that one of his greatest sources of strength at this extremely important international conference was the knowledge of those who were participating in the conference and his own knowledge that the people of this country were united behind him. I think that was demonstrated very vividly and very clearly when, after a brief hearing, his nomination was reported to the Senate, and, even before the calendar could be printed, his nomination was placed before the Senate and was unanimously confirmed.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the text of Secretary Herter's broadcast to the Nation be printed in the CONGRESSIONAL RECORD.

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

REPORT TO THE NATION ON THE GENEVA FOREIGN MINISTERS CONFERENCE BY THE HONORABLE CHRISTIAN A. HERTER, SECRETARY OF STATE

I

Fellow Americans, President Eisenhower has asked me to report to you tonight on where we stand after 6 weeks of the Geneva talks with the Foreign Ministers of the United Kingdom, France, and the Soviet Union.

I regret to say that no significant progress was made toward settlement of the problem of the continued division of Germany and of Berlin.

My Western colleagues and I did not go to Geneva with any high hopes. We knew how difficult it is to negotiate with the Soviet Union, but we negotiated earnestly and in good faith. The Soviets gave no indication of being interested in genuine negotiation. They engaged in a good deal of propaganda and some threats. Once again they demonstrated that they are not willing to rely on normal methods of transacting international business.

II

The long-range Soviet aim is to keep Germany divided until the possibility exists of a single German state under Communist influence. The Soviet Union has year after year refused to allow the issue of German reunification to be put to the free electoral choice of the German people.

As long as Germany remains unnaturally divided, there will be a continued threat to the peace of the world.

The problem of Berlin arises from this continued division of Germany. The Berlin issue can only be solved finally when Germany is reunified.

III

We put forward at Geneva a Western peace plan, designed to bring about the reunification of Germany. This plan was carefully phased into progressive arrangements for European security. It was especially designed to meet Soviet objections to previous Western plans for German unification. It provided for reunification of the country in a manner which would safeguard the best interests of the German people and of the other Nations concerned.

The Soviets flatly rejected the Western peace plan. They would not even consider it as a basis for discussion. Instead they proposed that a peace treaty be signed with two German governments—the Federal Republic of Germany and the Communist regime, the so-called German Democratic Republic. By some curious logic which was never explained, Foreign Minister Gromyko argued that by thus making two peace settlements, the cause of one Germany would be advanced. On the contrary it seemed to us that the Soviet plan would assure the permanent partition of Germany.

IV

You will recall that last November the Soviet Union presented the Western Powers with a threatening proposal for what they called a free city status for West Berlin. If we did not accept it, the U.S.S.R. said it would abandon its obligations to us in regard to Berlin.

In our judgment, this proposal could only have led to the absorption of West Berlin into the Communist empire. Foreign Minister Gromyko frankly admitted at Geneva that this was the Berlin solution which the U.S.S.R. would like to see.

It would sever West Berlin economic and political ties with West Germany. It would make West Berlin more and more dependent on the Communist system which surrounds it. It would deprive West Berlin of the protection afforded by the Western forces—either by eliminating them or reducing them drastically and by introducing Soviet forces into West Berlin. It would have required a major Western withdrawal from which the world would have drawn the lesson that Soviet brute strength was the ruling force in that part of Europe.

The Soviets called their proposal for West Berlin a proposal for a free city. By this they meant a city free of the protection of allied forces and exposed to the pressures and inroads of the Communist area surrounding it. This was a typical example of Communist upside-down talk. The Soviets would take what is now in fact a free city and make it like East Berlin which is now in fact a slave city.

We must remember what this would mean in human terms. West Berlin's population of more than 2 million is greater than the population of almost 20 percent of the member nations of the United Nations. Over

half the States in the United States have fewer people than there are in West Berlin. The value of goods and services produced in West Berlin last year exceeded that of more than half of the member nations of the United Nations.

How did the West Berliners themselves react to the Soviet proposal? Within a few weeks, West Berlin elections showed that 98 percent of the voters supported parties whose programs called for the continued presence of the Western forces in Berlin. The courage these people exhibited is but a repetition of the courage they displayed at the time of the Soviet blockade 10 years ago. You may be sure that we will stand by people who stand by themselves.

The Western powers rejected this Soviet proposal and its associated threat.

Because Berlin is divided into a free part and a Communist part, its situation is certainly not ideal. The Western Powers made serious proposals to the Soviet Union for an interim settlement on Berlin which would insure the stability of the city until Germany is reunified. These proposals would have offered a basis for agreement if the real Soviet concern had been to reduce tension over Berlin.

Agreement was not reached, however, because of one crucial obstacle: Foreign Minister Gromyko refused time and time again to discuss Western proposals until the Soviet-proposed new status for the city had been agreed to. That new status was the so-called free city which was as unacceptable to us as when it was first put forward last November.

In the later stages of our talks about Berlin, the Soviets once again introduced threatening proposals. They called on the Western Powers to agree to a time limit, after which our rights to protect West Berlin would expire. They proposed a 1-year extension, which later, with a show of mock generosity, they increased to 18 months. We made it clear that the Western Powers were no more interested in negotiating under threat in the spring than in the fall.

While the Foreign Ministers were negotiating, the baneful influence of statements outside the conference by Mr. Khrushchev was clearly felt. On one occasion he stated that the Western seven-point program for Berlin did not contain a single element for negotiation. Then just before Mr. Gromyko presented his final paper Mr. Khrushchev made a speech in Moscow in which he repeated previous Soviet threats to abandon their responsibilities to the Western Powers concerning Berlin. These statements, reflected in the Soviet attitude at Geneva, made our attempts to negotiate practically fruitless.

V

President Eisenhower has made quite clear his willingness to attend a meeting of the heads of government if such a meeting holds out some prospect of success. We believe that some degree of progress in the Geneva negotiations is necessary if there is to exist such a prospect of success. Regretfully, no such progress has as yet been registered at Geneva.

VI

Did any good come out of the first session of the conference? I believe so. The Western peace plan for the reunification of Germany has met with widespread approval around the world. History will, I believe, judge it to be a significant political offer looking to the solution of the key German problem. A study of this proposal shows that the Western allies are willing to go the extra mile, of which President Eisenhower spoke in his state of the Union message this year, in order to make peace more secure. I still hope that the Soviet Union will give serious second thought to this proposal.

In addition, the Geneva talks demonstrated a high degree of unity among the Western allies. Allied unity was maintained from start to finish, and was, if anything, even more solid at the end than at the beginning.

Finally, the Conference revealed possible areas of agreement concerning specific arrangements for Berlin. I believe that it may be possible to build on these areas of agreement if the Soviet Union is prepared to accept the continued existence of a free West Berlin under Western protection.

This is the critical question. If the Soviet Union persists in its determination to add more than two million free West Berliners to the captive peoples of Eastern Europe, then no agreement is possible. However, if the Soviets do not hold to this annexationist design, we should be able to reach agreements on Berlin consistent with the honor and interest of all our countries.

We again take up the Geneva talks on July 13. We will continue our efforts to find an area of agreement, but the United States will never compromise the freedom of the brave people of West Berlin who have placed their faith in our protection. Our fate and the fate of the people of West Berlin and that of free people everywhere are linked together. When their freedom is diminished, our freedom is inevitably diminished.

The path to a just peace will be long and difficult. But I know that I speak for all of you when I say that we will continue with the patience and understanding and firmness needed to travel that path so long as it remains open.

Mr. MANSFIELD. Mr. President, I wish to compliment the distinguished majority leader and the distinguished minority leader for the words they have spoken in behalf of the activities of our Secretary of State, the Honorable Christian Herter, of Massachusetts.

As one who came to the Congress with Mr. Herter in 1943, I have had a chance to observe him through the years. I agree wholeheartedly with what the leaders of both parties in this body have had to say this morning, because I think that in their actions and in their words they have, once again, indicated not only to the people of the country, where it is understood, but also to the people of the world, where perhaps it is not so well understood, that, regardless of party, we are behind the American Secretary of State.

Mr. AIKEN. Mr. President, yesterday afternoon, I was privileged to hear a report on the Geneva Conference from Secretary of State Herter.

I wish to say that I think Secretary Herter has done everything humanly possible to bring about understandings which would result in a better prospect of future peace in the world. I think he has fully represented the United States—not only the Congress, but also the people of the United States.

His report to us was very frank; it was not varnished or glossed over in any way. He did not minimize the difficulties that lie ahead of us when the Conference reconvenes on July 13, nor did he rule out the possibility of some measure of success.

I believe the Congress will back him and will approve of the position he has taken; and all of us hope that there will be eventual success in promoting peace and understanding among the nations of the world, even though the objective may have to be achieved little by little.

EXECUTIVE COMMUNICATIONS, ETC.

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

DISPOSITION OF COCONUT OIL FROM NATIONAL STOCKPILE

A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation relating to the disposition of coconut oil from the national stockpile under the Strategic and Critical Materials Stock Piling Act (with accompanying papers); to the Committee on Armed Services.

REPORT OF FEDERAL DEPOSIT INSURANCE CORPORATION

A letter from the Chairman, Federal Deposit Insurance Corporation, Washington, D.C., transmitting, pursuant to law, a report of that Corporation, for the calendar year 1958 (with an accompanying report); to the Committee on Banking and Currency.

PROJECT PROPOSAL UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on a project proposal in the State of California, under the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of New Hampshire; to the Committee on Foreign Relations:

"Whereas the world Communist movement under the domination of the Soviet Union has as its objective the establishment of totalitarian dictatorship in all parts of the world by unlawful methods, including espionage, sabotage, terrorism, and other unlawful means; and

"Whereas international communism is not a political movement but a worldwide conspiracy to destroy freedom of speech, freedom of assembly, freedom of religion, and the American constitutional form of government in particular; and

"Whereas more recently the President of the United States has announced a policy of firmness in refusing to yield to Communist pressure as applied to the city of Berlin, Germany: Now, therefore, be it

"Resolved by the senate (with the house of representatives concurring), That the General Court of the State of New Hampshire endorses a U.S. policy of firmness in dealing with the Soviet Union, and does earnestly recommend that the United States of America and its allies adopt and maintain a foreign policy that will not yield remaining free land to Communist aggression anywhere in the world; and be it further

"Resolved, That the secretary of state transmit a copy of this concurrent resolution to the members of the New Hampshire delegation in Congress and to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States.

"STEWART LAMPREY,
"Speaker of the House of Representatives.
"NORMAN A. PACKARD,
"President of the Senate.
"WESLEY POWELL, *Governor.*

"Passed June 9, 1959.
"Attest:
"HARRY E. JACKSON,
"Secretary of State."

A resolution of the House of Representatives of the State of Alabama; to the Committee on Finance:

"HOUSE JOINT RESOLUTION 37

"To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Legislature of Alabama, in regular session assembled, respectfully represent as follows:

" 'Whereas there is pending before the Congress a measure, H.R. 6671, to amend title II of the Social Security Act to provide that the child of an insured individual, after attaining age 18, may receive a child's insurance benefits until he attains age 22 if he is a student attending school; and

" 'Whereas the education of youth is imperative in this era and should be promoted and encouraged in every possible way: Now, therefore, be it

" '*Resolved by the House of Representatives of the State of Alabama, the senate concurring,* That the Congress of the United States be memorialized to enact as speedily as possible the bill, H.R. 6671, 86th Congress, 1st session, introduced in the House of Representatives of the United States, April 27, 1959, by Mr. ROBERTS, of Alabama; be it further

" '*Resolved,* That copies of this memorial be sent to the Honorable Speaker of the House of Representatives, to the Honorable President of the Senate of the United States, and to all members of the Alabama congressional delegation.'

"Adopted by the house of representatives June 5, 1959.

"Concurred in and adopted by the senate June 9, 1959.

"Approved by the Governor June 18, 1959."

A joint resolution of the Legislature of the State of Alabama; to the Committee on Armed Services:

" 'HOUSE JOINT RESOLUTION 39

" 'Whereas this Nation has long accepted the fair and just practice of gearing the pay of naval, military and airmen who have earned retirement to the current pay received by the active members of the Armed Forces of the country; and

" 'Whereas the Military Pay Act of 1958 continued this practice as to all such persons retired from active service after the effective date of that act, and even as to the pensions of widows of officers who had retired prior to this date, but departed from this custom as to living members of the Armed Forces who had retired prior to this date, and prescribed for this latter group a lower rate of pay as a retired member of such forces than that accorded members of corresponding rank who retire after such date, thus unjustly and arbitrarily discriminating against a segment of our uniformed servicemen; and

" 'Whereas this act has resulted in such anomalies as an officer who was retired prior to the effective date of the act, because of a disability—possibly a wound incurred in the line of duty perhaps in the front lines of a hard-fought battle in which he displayed outstanding courage and valor—receiving a much smaller monthly retirement pay than an officer of the same rank, retired after the effective date of the act, due to a non-service-connected disability, who has never seen a day of combat duty; and

" 'Whereas there appears to be no logical reason or basis for this gross discrimination against those members of the uniformed services who retired prior to the effective date of the Military Pay Act of 1958; and

" 'Whereas equity and justice demand that the same standard for computation of retirement pay be applied to all members of the Armed Forces, without regard to date of retirement; and

" 'Whereas failure to maintain such just and equitable standards will inevitably lead to defections from active service by career officers, and thus prove detrimental to the national defense and security of the United States: Now, therefore, be it

" '*Resolved by the Legislature of Alabama (the house of representatives and senate concurring),* That the Legislature of Alabama hereby urges Senator RICHARD RUSSELL and Representative CARL VINSON, chairmen of the Senate and House Armed Services Committees, respectively, to schedule hearings at their earliest convenience on bills that would equalize the pay of military retirees; be it further

" '*Resolved,* That the Legislature of Alabama deplores the fact that those loyal, faithful members of the Army, Navy, Air Force, Marine Corps, Coast Guard, Geodetic Survey, and Public Health Service who had retired prior to the effective date of the Military Pay Act of 1958 have been unjustly discriminated against by that act; and hereby memorializes the Congress of the United States to eliminate pay discrimination against these persons and as to them to restore the traditional relationship between their pay and the pay of active service members of the Armed Forces of this Nation.'

"The clerk of the House of Representatives of Alabama is hereby directed to transmit a copy of this resolution to Senator RICHARD RUSSELL, a copy to Representative CARL VINSON, a copy each to Senator LISTER HILL, Senator JOHN SPARKMAN, Senator JAMES O. EASTLAND, Senator JOHN STENNIS, a copy to each member of Alabama's congressional delegation, a copy to the Secretary of the U.S. Senate for delivery to that body, and a copy to the Clerk of the House of Representatives of the United States for delivery to that body.

"Adopted by the house of representatives June 5, 1959.

"Concurred in and adopted by the senate June 9, 1959.

"Approved by the Governor June 18, 1959."

A resolution adopted by the Joint Federal-State Action Committee, in Washington, D.C., relating to legislative jurisdiction over Federal lands within the States; to the Committee on Government Operations.

PADRE ISLAND IN TEXAS SHOULD BE MADE A NATIONAL SEASHORE AREA—CONCURRENT RESOLUTION OF TEXAS LEGISLATURE

Mr. YARBOROUGH. Mr. President, the Texas Legislature has agreed to a concurrent resolution favoring the establishment of a national seashore area on Padre Island.

This official recognition by the Texas government, of the need for a seashore area on Padre Island, is one of the first steps toward the accomplishment of that objective.

I ask unanimous consent to have printed in the RECORD the concurrent resolution agreed to by the Texas House of Representatives on June 11, and the Texas Senate on June 12, favoring the establishment of a national seashore area on Padre Island, and ask that it be appropriately referred.

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

HOUSE CONCURRENT RESOLUTION

Whereas Padre Island is a magnificent, history-rich, romantic expanse of dune and beach that is a priceless Texas heritage; and

Whereas the sheltered bays, marshlands, and islands along Padre Island are especially attractive to all forms of bird life, providing both feeding and nesting grounds; and

Whereas Padre Island is the longest unspoiled natural beach still in existence in the United States and the major part of the island is still unspoiled and might yet be preserved for public use and enjoyment if steps are taken without delay; and

Whereas Senate Resolution 4, introduced in the Congress of the United States, would authorize the acquisition by the Secretary of the Interior of a part of Padre Island: Now, therefore, be it

Resolved, That the house of representatives (the senate concurring) hereby consents to the Congress and the President of these United States for the establishment of a national seashore area on that portion of Padre Island situated in Willacy and Kenedy Counties between the Port Mansfield Channel and Yarborough Pass; and be it further

Resolved, That the acquisition of such area shall not affect the mineral estate in the lands so acquired, nor the right of ingress and egress for the purpose of exploring for, developing, processing, storing, and transporting minerals from beneath said lands and the waters and bays immediately adjacent thereto with the right of housing employees for such purposes; and be it further

Resolved, That the lands, spoil banks, easements or right-of-way owned, leased, or otherwise controlled by the Willacy County Navigation District shall not be a part of such area; and be it further

Resolved, The State of Texas shall reserve the right to retain concurrent jurisdiction with the United States over every portion of the lands so acquired so far, that all process, civil and criminal, issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the State, upon any person amenable to the same within the limits of the land so acquired as the area for the Padre Island National Seashore Area in like manner and like effect as if no such cession had taken place; and, reserving further to the State the right to levy and collect taxes on sales of products or commodities upon which a sales tax is levied in this State, and to tax persons and corporations, their franchises and properties, on land or lands deeded and conveyed under the terms of the resolution to the U.S. Government, the right to vote at all elections within the counties in which said land or lands are located, upon like terms and conditions and to the same extent as they would be entitled to vote in such counties had not such lands been deeded or conveyed as aforesaid to the United States of America; and be it further

Resolved, That the Federal Government be and is hereby requested to study the need for access highways from the north and south mainland to the island and park, such roads being of prime importance to the public.

BEN RAMSEY,
President of the Senate.
WAGGONER CARR,
Speaker of the House.

I hereby certify that House Concurrent Resolution 16 was adopted by the house on June 11, 1959.

DOROTHY HALLMAN,
Chief Clerk of the House.

I hereby certify that House Concurrent Resolution 16 was adopted by the senate on June 12, 1959, by the following vote: Yeas 19, nays 6.

CHARLES SCHNABEL,
Secretary of the Senate.

RESOLUTIONS OF MINNESOTA BRANCH OF WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution on Mexican migrant workers adopted on June 4 by the board of the Minnesota

branch of the Women's International League for Peace and Freedom, as well as a resolution on nuclear hazards as adopted by the Women's International League for Peace and Freedom, Minnesota branch, in its annual meeting on May 23, 1959, be printed at this point in the RECORD.

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

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,
Minneapolis, Minn., June 4, 1959.

RESOLUTION ON MEXICAN MIGRANT WORKERS ADOPTED BY STATE WILPF BOARD, JUNE 4, 1959

Wheras there has been and continues to be exploitation of the migrant worker in seasonal work on U.S. farms, particularly the Mexican; and

Whereas this imposes an injustice and a hardship on the Mexicans so exploited and on their families; and

Whereas this indifference to the human welfare and the underpayment of Mexican labor also enervates and undermines American labor standards; and

Whereas this treatment of the citizens of our southern neighbor or of any other country, is contrary to the spirit of our people and our Nation's Constitution: Therefore be it

Resolved—

1. That we urge a strong and positive Federal program to improve the lot of migratory farmworkers, as recommended by Minnesota's Senator EUGENE MCCARTHY.

2. Ask our Government to apply Federal wage and hour standards to migrant workers on factory, or corporation-type farms as well as smaller farms.

3. Stress need for tightening child labor laws.

4. Urge our Government to recognize the basic rights of Mexican citizens, by directing our immigration agency to carry out the established legal procedures between our two countries in the recruitment, transportation, and supervision of migrant workers.

5. Impress upon our State governments the need to perform a regulatory service for the Mexican migrants and their families in housing, sanitation, health, and schools.

6. That we commend Senator EUGENE MCCARTHY for his expressed concern for the migrant workers and encourage him to introduce legislation, if necessary, to correct unjust practices.

RESOLUTION ON NUCLEAR HAZARDS ADOPTED AT WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM'S MINNESOTA BRANCH, ANNUAL MEETING, MAY 23, 1959, ST. PAUL, MINN.

Whereas it is an accepted fact, that between United States and U.S.S.R. there are enough nuclear bombs to wipe out all life on the universe; and

Whereas accepting the above, there is reason to question the persistence for more bombs and more testing even by the proponents of the military build-up; and

Whereas the preponderance of evidence and conviction on the part of scientists, the world over, who are not politically motivated is that the hazards to humanity from nuclear fallout are even greater than believed or estimated heretofore; and

Whereas this perilous situation calls for greater controls on a universal, national and State level; and

Whereas this unseen but existing danger demands additional, continuous and immediate research, and a better informed and alerted citizenry: Therefore be it

Resolved—

1. That we implore the press to augment its coverage on the dangers of nuclear fallout.

2. That we applaud the leaders in the U.S. Senate who promoted the passage of Senate Resolution 96, placing the U.S. Senate on record in favoring the on-going negotiations in Geneva on the control and cessation of nuclear testing.

3. That to protect the health of the people in this Nation, we urge our Congressmen to give their support to legislation which will place the monitoring of nuclear testing under the Public Health Service rather than the Atomic Energy Commission.

4. That we write the President and Senator CLINTON ANDERSON, chairman of the Joint Atomic Energy Committee, plus our Minnesota Senators, that further appropriations be granted or legislated, to study radiation hazards both in industry and to the public at large, and that whatever agency or commission has the responsibility of monitoring the fallout, be requested to include on its staff a competent general biologist and a competent medical scientist.

5. That we commend the Minnesota Governor's Committee on Atomic Energy, whose work and findings have had worldwide significance and recognition.

6. That we vigorously protest the action of our State senate which killed the bill which would have established a permanent commission on atomic energy.

7. That we furthermore instruct our branch legislative chairman to explore the methods by which this important bill was annihilated and secondly to share their findings with our members and fellow citizens, and thirdly, if possible, to advise us how this proposal, so valuable to Minnesotans and to all humanity, can be reactivated in the near future.

8. Lastly, we reaffirm our stand against all nuclear testing and propose instead, universal disarmament, universal law and a stronger emphasis on the study and practice of the nonviolent approach, with all that this implies, toward resolving the differences and problems between nations and peoples.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 451. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of compensation in cases where third persons are liable (Rept. No. 428).

By Mr. HENNINGS, from the Committee on Rules and Administration, without amendment:

S. Res. 135. Resolution authorizing the appointment of a special committee to attend the flag-raising ceremonies at Juneau, Alaska, on July 4, 1959; and

S. Res. 137. Resolution authorizing additional expenditures by the Committee on Appropriations.

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

H.R. 7523. An act to provide a 1-year extension of the existing corporate normal-tax rate and of certain excise-tax rates (Rept. No. 427).

REPORTING BY THE SENATE OF DETAILED INFORMATION ON ITS PAYROLLS—REPORT OF A COMMITTEE

Mr. HENNINGS, from the Committee on Rules and Administration, reported an original resolution (S. Res. 139) to provide for the reporting by the Senate of detailed information on its payrolls, and submitted a report (No. 429) thereon; which resolution was placed on the calendar, as follows:

Resolved, (a) That the Secretary of the Senate shall set forth in his statement of receipts and expenditures of the Senate for the fiscal year July 1, 1959–June 30, 1960, and in each subsequent report (required under secs. 60, 61, and 63 of the Revised Statutes of the United States), the name, title, and specific amount paid to each person employed by the Senate during the period covered by each such report.

(b) Commencing with the period July 1, 1959–September 30, 1959, and for each quarterly period thereafter, the Secretary of the Senate shall compile and make available to the public on a quarterly basis the information specified in subsection (a) above. Such quarterly reports shall be made not later than 60 days following the close of each quarterly period.

AMENDMENT OF MERCHANT MARINE ACT, 1936, RELATING TO FEDERAL SHIP MORTGAGE INSURANCE—REPORT OF A COMMITTEE—MINORITY VIEWS

Mr. MAGNUSON. Mr. President, from the Committee on Interstate and Foreign Commerce, I report favorably the bill (S. 107) to amend title XI of the Merchant Marine Act, 1936, relating to Federal ship mortgage insurance, in order to include floating drydocks under the definition of the term "vessel" in such title, and I submit a report (No. 430) thereon.

I ask unanimous consent that the report, together with the minority views, be printed.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Washington, and the bill will be placed on the calendar.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of nominations was submitted:

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

One hundred and forty-six postmaster nominations.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. MURRAY:

S. 2241. A bill to amend the Internal Revenue Code of 1954 to provide funds for educational purposes by providing increased incentives for private giving through the allowance of a tax credit for charitable contributions to institutions of higher education; to the Committee on Finance.

By Mr. WILEY:

S. 2242. A bill to provide for an investigation and study of means of making the Great Lakes and the St. Lawrence Seaway available for navigation during the entire year; to the Committee on Public Works.

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

By Mr. GOLDWATER:

S. 2243. A bill for the relief of Ralph Feffer & Sons; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself, Mr. MURRAY, Mr. KEATING, Mr. BIBLE, Mr. ANDERSON, Mr. CHURCH, and Mr. KUCHEL):

S. 2244. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to promote the welfare of the Indian tribes by making available to them surplus personal property; to the Committee on Government Operations.

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

By Mr. YARBOROUGH:

S. 2245. A bill for the relief of Wong Sai Shun;

S. 2246. A bill for the relief of Wong Sai Kwong; and

S. 2247. A bill for the relief of Wong Gim Chung; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2248. A bill to amend the Natural Gas Act with respect to the importation and exportation of natural gas;

S. 2249. A bill to amend the Natural Gas Act to give the Federal Power Commission authority to order natural gas companies to increase rates where necessary to correct undue discrimination;

S. 2250. A bill to amend section 4 of the Natural Gas Act;

S. 2251. A bill to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only;

S. 2252. A bill to amend the Natural Gas Act to confer upon the Federal Power Commission authority to exercise control over the allocation of the available supply of natural gas moving in interstate commerce during periods of shortage or when required for national defense;

S. 2253. A bill to amend section 7(b) of the Natural Gas Act, and for other purposes;

S. 2254. A bill to amend section 7(c) of the Natural Gas Act, and for other purposes;

S. 2255. A bill to amend section 7(f) of the Natural Gas Act;

S. 2256. A bill to amend the Natural Gas Act to authorize the Federal Power Commission to prescribe safety requirements for natural gas companies;

S. 2257. A bill to amend the Natural Gas Act with respect to the interconnection of facilities for the transportation of natural gas;

S. 2258. A bill to amend section 12 of the Natural Gas Act with respect to the issuance of securities;

S. 2259. A bill to amend section 14 of the Natural Gas Act;

S. 2260. A bill to amend section 15 of the Natural Gas Act;

S. 2261. A bill to establish certain provisions with respect to the terms of office of the members of the Federal Power Commission;

S. 2262. A bill to amend section 10 of the Federal Power Act;

S. 2263. A bill to authorize the Federal Power Commission to exempt small hydroelectric projects from certain of the licensing provisions of the Federal Power Act;

S. 2264. A bill to amend the Federal Power Act to prohibit abandonment of facilities and service without the consent of the Federal Power Commission;

S. 2265. A bill to amend section 205 of the Federal Power Act; and

S. 2266. A bill to amend the Federal Power Act with respect to intervention in Federal Power Commission proceedings; to the Committee on Interstate and Foreign Commerce.

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

By Mr. BENNETT:

S. 2267. A bill for the relief of George Kazuso Tohinaka; to the Committee on the Judiciary.

By Mr. HAYDEN:

S. 2268. A bill to declare that the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona; to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY (for himself and Mr. MCCARTHY):

S. 2269. A bill to incorporate the U.S. Civil Defense Council; to the Committee on the Judiciary.

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

By Mr. GRUENING (by request):

S. 2270. A bill to improve the administration of transfers of certain real property for wildlife or other purposes by repealing the act of May 19, 1948, and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

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

By Mr. KENNEDY:

S. 2271. A bill for the relief of Pinelopi Yorgiadis and Dimitri Yorgiadis; to the Committee on the Judiciary.

By Mr. KUCHEL:

S. 2272. A bill for the relief of the survivors of Lois G. Eagleton; to the Committee on the Judiciary.

By Mr. MCCARTHY (for himself, Mr. HUMPHREY, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, and Mr. TALMADGE):

S.J. Res. 112. Joint resolution directing the Secretary of Agriculture to carry out a poultry diversion program; to the Committee on Agriculture and Forestry.

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

RESOLUTIONS

Mr. NEUBERGER submitted a resolution (S. Res. 138) favoring the appointment of career diplomats as ambassadors and ministers to head U.S. missions in foreign countries, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. NEUBERGER, which appears under a separate heading.)

Mr. HENNINGS, from the Committee on Rules and Administration, reported an original resolution (S. Res. 139) to provide for the reporting by the Senate of detailed information on its payrolls, which was placed on the calendar.

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

DEVELOPMENT OF DEICING SYSTEMS FOR GREAT LAKES REGION AND ST. LAWRENCE SEAWAY

Mr. WILEY. Mr. President, I introduce, for appropriate reference, a bill aimed at laying the foundation for development of a deicing program for the Great Lakes and the St. Lawrence Seaway.

The proposed legislation would authorize the Corps of Engineers to: First, make a complete investigation and study of the problems involved in the development of deicing systems; second, review the applicability of deicing methods developed by private concerns or Governments in the United States and abroad, to the Seaway and Great Lakes region; third, review data, information, reports, surveys, or other information developed either by Government or private enterprise, relative to the establishment of a deicing system; fourth, make a comparative study of the conditions and problems between areas now successfully utilizing deicing methods and the northern U.S. ports and waterways; fifth, prepare an evaluation of the feasibility, practicability, and cost of applying such systems to the Great Lakes and St. Lawrence area.

The report should be completed and made available to the President and the Congress not later than January 1, 1961, together with such recommendations for legislative or administrative action as may be deemed advisable.

We recognize that "cracking the ice barrier" is a necessarily long-range project. However, the fact that deicing systems have proved successful in harbors—normally icebound through the winter—in Canada, and elsewhere in the world, I believe, is sufficient evidence that efforts to combat our old foe "winter ice" in the Great Lakes region holds promise for the future.

NEEDED: A COMPREHENSIVE STUDY

The methods of deicing systems that have been developed include the "bubble" system, an underwater piping system in which compressed air moves through tiny holes to the surface melting the ice, various types of electric heaters, the use of chemicals to melt ice, underground explosives, and other methods.

The study would also require a comprehensive review, and correlation of such factors as: water thermal conditions, geography, prevailing weather conditions, and other factors.

Initially, the program may well be applicable to only fringe areas around the Lakes, enabling ports and harbors normally icebound to stay open longer into the winter season, rather than directly to the Seaway itself.

However, there is sufficient promise in this field, I believe, to justify carrying out a comprehensive study which, at a future date, may well result in substantially extending the shipping season, and, eventually, providing for all-year-round commerce.

To enable Senators who wish to join as cosponsors to have that opportunity, I ask unanimous consent that the bill lie on the table for 1 week.

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

Mr. WILEY. Mr. President, I also ask unanimous consent to have the text of the bill 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. 2242) to provide for an investigation and study of means of making the Great Lakes and the St. Lawrence Seaway available for navigation during the entire year, introduced by Mr. WILEY, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That in view of the fact that the winter ice blockade of the Great Lakes and the St. Lawrence Seaway is one of the most serious obstacles to the economic advancement of our country, particularly the midwestern United States, and thereby presents a hindrance to our national defense, the Chief of Engineers, Department of the Army, under the direction of the Secretary of the Army, shall make a full and complete investigation and study of the waterway deicing systems, including a review of any previous pertinent reports by the Department of the Army, any available information from any of the other departments of the Government, and waterway deicing methods in use by private concerns and foreign governments, for the purpose of determining the practicability, means, and economic justification for providing year-round navigation on the Great Lakes (including connecting channels and harbors) and the St. Lawrence Seaway by eliminating ice conditions to the extent necessary. The Chief of Engineers may submit such interim reports to the President and the Congress with respect to such investigation and study at such time or times as he deems advisable, and shall submit to the President and the Congress, not later than January 1, 1961, his final report of the results of such investigation and study, together with his recommendations, including his recommendations for such legislation and administrative actions as he may deem advisable.

SEC. 2. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

SURPLUS PERSONAL PROPERTY FOR INDIAN TRIBES

Mr. GOLDWATER. Mr. President, on behalf of myself and Senators MURRAY, KEATING, BIBLE, ANDERSON, CHURCH, and KUCHEL, I introduce, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949, as amended. This bill would make available to Indian tribes surplus personal property, thus promoting their welfare. I ask unanimous consent that the bill be printed in the RECORD immediately following these remarks, and that it lie on the table until Monday, June 29, so that other Senators who may wish to do so can be listed as cosponsors.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and lie on the table, as requested by the Senator from Arizona.

The bill (S. 2244) to amend the Federal Property and Administrative Services Act of 1949, as amended, to promote the welfare of the Indian tribes by making available to them surplus personal property, introduced by Mr. GOLDWATER (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Federal Property and Administrative Services Act of 1949, as amended, is further amended by adding to the end thereof the following subsection:

"(p) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate without cost (except for costs of care and handling) surplus personal property (including property capitalized in a working capital or similar fund) to any Indian tribe, band, or group under Federal supervision: *Provided,* That the Secretary of the Interior shall first have determined that such property is needed by such tribe, band, or group for an approved program, and that tribal funds cannot reasonably be made available for the acquisition of such property."

PROPOSED LEGISLATION TO AMEND THE FEDERAL POWER AND NATURAL GAS ACTS

Mr. MAGNUSON. Mr. President, by request of the Federal Power Commission, I introduce, for appropriate reference, a series of 19 bills to amend the Federal Power and Natural Gas Acts.

These proposals are designed to carry out the Commission's legislative recommendations numbered 2 through 19 as set forth in its 38th Annual Report, 1958.

In submitting drafts of legislation to implement its recommendations, the Federal Power Commission did not include drafts to cover legislative recommendations numbered 1 and 20, stating, "No language to effectuate our recommendations with respect to the regulation of independent—natural gas—producers has been prepared, in view of the pendency of H.R. 366 and other bills relating to the same matter" and that "no language has been submitted with respect to item 20—annual report, page 19—relating to compulsory interconnections of electric power facilities. This item was included in the 1957 and 1958 annual reports through an editorial inadvertence, it having previously been decided that there is no need for this amendment."

I ask unanimous consent to have printed in the RECORD that portion of the Federal Power Commission's last annual report entitled "Legislative Recommendations" which briefly outlines the purpose of these various proposed amendments to the Federal Power and Natural Gas Acts.

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

The bills, introduced by Mr. MAGNUSON, by request, were received, read twice by their titles, and referred to the Committee on Interstate and Foreign Commerce, as follows:

S. 2248. A bill to amend the Natural Gas Act with respect to the importation and exportation of natural gas;

S. 2249. A bill to amend the Natural Gas Act to give the Federal Power Commission authority to order natural gas companies to increase rates where necessary to correct undue discrimination;

S. 2250. A bill to amend section 4 of the Natural Gas Act;

S. 2251. A bill to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only;

S. 2252. A bill to amend the Natural Gas Act to confer upon the Federal Power Commission authority to exercise control over the allocation of the available supply of natural gas moving in interstate commerce during periods of shortage or when required for national defense;

S. 2253. A bill to amend section 7(b) of the Natural Gas Act, and for other purposes;

S. 2254. A bill to amend section 7(c) of the Natural Gas Act, and for other purposes;

S. 2255. A bill to amend section 7(f) of the Natural Gas Act;

S. 2256. A bill to amend the Natural Gas Act to authorize the Federal Power Commission to prescribe safety requirements for natural gas companies;

S. 2257. A bill to amend the Natural Gas Act with respect to the interconnection of facilities for the transportation of natural gas;

S. 2258. A bill to amend section 12 of the Natural Gas Act with respect to the issuance of securities;

S. 2259. A bill to amend section 14 of the Natural Gas Act;

S. 2260. A bill to amend section 15 of the Natural Gas Act;

S. 2261. A bill to establish certain provisions with respect to the terms of office of the members of the Federal Power Commission;

S. 2262. A bill to amend section 10 of the Federal Power Act;

S. 2263. A bill to authorize the Federal Power Commission to exempt small hydroelectric projects from certain of the licensing provisions of the Federal Power Act;

S. 2264. A bill to amend the Federal Power Act to prohibit abandonment of facilities and service without the consent of the Federal Power Commission;

S. 2265. A bill to amend section 205 of the Federal Power Act; and

S. 2266. A bill to amend the Federal Power Act with respect to intervention in Federal Power Commission proceedings.

The legislative recommendations presented by Mr. MAGNUSON are as follows:

LEGISLATIVE RECOMMENDATIONS

The Commission has recommended to the committees of Congress and the Bureau of the Budget that both the Federal Power Act and the Natural Gas Act be amended in various specific respects and renews these recommendations at this time.

These recomendations are those on which a majority or more of the Commission are in agreement. Individual Commissioners' views on necessary or desirable legislation, on which at least a majority do not agree, have not been included, since this is the report of the Commission as a body. Of course, the Commission cannot and does not have any objection to any Member or Committee of the Congress or to the Bureau of the Budget requesting individual opinions of the several Commissioners.

1. Natural Gas Act—regulation of independent producers. That the pertinent sections of the Natural Gas Act be amended to provide for (1) elimination of any requirement for certificates of public convenience and necessity for producers of natural gas; (2) a standard for pricing or evaluating natural gas as a commodity which would not require use of a rate base or traditional utility ratemaking principles, but which would enable the Commission to weigh the

interests of the consumer in low prices with the necessity of providing assurance of future gas supplies; (3) elimination of any mandatory requirement for determining and considering costs of or revenues from other products sometimes obtained in conjunction with the production of natural gas including oil and liquid hydrocarbons; (4) the same treatment of independent producers and pipeline producers with respect to pricing or evaluating natural gas; (5) elimination of clauses in independent producers' contracts of sale to interstate gas transmission companies which contain provisions for a change of price to the purchaser by reason of (a) changes in the price received by the purchaser on resale, or (b) the payment or offer of payment of different prices by the purchaser or other purchasers to the seller or to other sellers.[1]

2. Rate changes under Natural Gas Act and Federal Power Act: That the rate-changing procedure of section 4 of the Natural Gas Act and section 205 of the Federal Power Act be made available to companies seeking to change any filed rate where the purchaser has not agreed to the change.[2]

3. Natural Gas Act—sales for resale for industrial use only: That section 4(e) of the Natural Gas Act be amended so that the Commission will have full authority to suspend rate schedules covering sales by interstate pipeline companies of natural gas for resale for industrial use only. This would require the deletion of the proviso now contained in that section.[3]

4. Natural Gas Act—amendments to section 5(a): That section 5(a) of the Natural Gas Act be amended to provide express authorization for the Commission (1) to increase interstate pipeline rates where necessary to correct undue discrimination; and (2) to allocate gas among customers of an interstate natural gas pipeline company in periods of shortage.[4]

5. Natural Gas Act—various amendments to section 7(c): That section 7(c) of the Natural Gas Act be amended (1) to eliminate the mandatory hearing requirement, substituting in lieu thereof a requirement for due notice and opportunity for hearing; (2) to provide specifically for control by the Commission of the allocation of natural gas when required for national defense or to safeguard the available supply in emergency situations; (3) to require by express language a certificate for the construction of facilities to be used for the transportation of gas in interstate commerce, when the person merely constructing the facilities will not operate the facilities but will sell or lease the facilities to an interstate operator; and (4) to enlarge the Commission's authority to grant temporary certificates of public convenience and necessity in any emergency situation where no objection to issuance has been filed after due notice has been given.[5]

6. Natural Gas Act—abandonment of service: That section 7(b) of the Natural Gas Act be amended (1) to eliminate the mandatory requirements for hearing, substituting in lieu thereof a requirement for due notice and opportunity for hearing; and (2) to make it clear that the section applies to service as well as to facilities and to curtailment as well as abandonment of service.[6]

7. Natural Gas Act—amendments to section 7(f): That section 7(f) of the Natural Gas Act be amended (1) to eliminate the service-area provision; and (2) to provide for the enlargement of the existing facilities of an interstate pipeline company to serve present customers under such rules and conditions as the Commission may prescribe.[7]

8. Natural Gas Act—safety regulations: That section 7 of the Natural Gas Act be amended so as to authorize the Commission to prescribe safety regulations with respect to the construction and operation of interstate natural gas pipelines.[8]

9. Natural Gas Act—interventions: That the Commission be authorized to refuse to admit as a party to a proceeding any person who represents an interest which is adequately represented by another party.

10. Federal Power Act—Commissioners' tenure of office: That section 1 of the Federal Power Act with respect to terms of office of members of the Commission be amended in order to enable the incumbent to hold over after the expiration of his term to prevent a vacancy occurring in the office.[9]

11. Natural Gas Act—amended as to security issue regulation: That section 12 of the Natural Gas Act be amended so as to give the Commission jurisdiction with respect to the approval of security issues of interstate natural gas pipeline companies.[10]

12. Natural Gas Act—emergency interconnections: That a new subsection be added to section 7 of the Natural Gas Act giving the Commission authority in emergencies, similar to that conferred by section 202(c) of the Federal Power Act, to require interstate natural gas pipeline companies to interconnect their facilities with others engaged in the sale and distribution of natural gas and to sell or exchange gas with such persons, together with authority to prescribe the terms, arrangements, and conditions for such interconnections and the compensation payable therefor.[11]

13. Natural Gas Act—voluntary interconnections: That a new subsection be added to section 7 of the Natural Gas Act permitting voluntary interconnections of the facilities of interstate natural gas pipline companies and their maintenance on a permanent basis for emergency use upon authorization by the Commission, and under such circumstances, conferring a jurisdictional exemption. Such a provision is now contained in section 202(d) of the Federal Power Act.[12]

14. Natural Gas Act—comprehensive investigatory authority: That section 14(a) of the Natural Gas Act be amended so as to give to the Commission broad investigatory powers with respect to the gas industry similar to those now conferred on it with respect to the electric industry by section 311 of the Federal Power Act.[13]

15. Natural Gas Act—additional authority as to the importation and exportation of natural gas: That sections 1(b) and (2) of the Natural Gas Act be amended so as to include foreign commerce within the coverage of the act and define persons engaged in the importation and exportation of natural gas as "natural gas companies" so far as their operations in the United States are concerned.[14]

16. Natural Gas Act—alienation of gas reserves: That section 7(b) of the Natural Gas Act be amended to require Commission approval for the transfer by an interstate natural gas pipeline company of natural gas reserves where such reserves have constituted part of the bases for issuance of certificates of public convenience and necessity.[15]

17. Federal Power Act—exemption of small hydroelectric projects: That section 10(i) of the Federal Power Act be amended so as to authorize the Commission to exempt small hydroelectric projects from certain of the licensing provisions of the act. This would be accomplished by changing the limitation for exemption in the section from 100 to 2,000 horsepower.[16]

18. Federal Power Act—abandonment of interstate facilities: That a new subsection 202(g) be added to the Federal Power Act requiring Commission approval of the abandonment or curtailment of interstate electric facilities or service, after opportunity for hearing. Such amendment would be comparable to the authority given to the Commission by section 7(b) of the Natural

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[1] Commissioner Connole concurred generally but stated that any legislation must permit the Commission to retain its right to consider costs and revenue requirements where necessary and useful, for to do otherwise would risk the prohibition of their consideration. He stated that if costs could not be used, it would restrict consideration to the demand for and eliminate consideration of the cost of natural gas, thus ignoring an essential element of reasonable value. Moreover, he said, if the Commission were not permitted to consider cost, the producing industry would be deprived of a constitutional protection against confiscation which all other natural gas companies enjoy.

H.R. 8525, 85th Cong. (Harris bill), discussed in the Commission's 37th Annual Report (1957), p. 17, would effectuate the legislative recommendations of the Commission on this subject.

[2] No bills to effect this recommendation are pending in the 85th Cong.

[3] Commissioner Hussey did not concur in this recommendation. This recommendation is contained in sec. 4 of identical bills, H.R. 3363, H.R. 6478, and H.R. 7232, all pending in the 85th Cong. See sec. 1(c) of S. 1880, sec. 4 of H.R. 6645, and sec. 4 of H.R. 4943, 84th Cong., and also H.R. 7624 and S. 2971, 83d Cong., discussed in the Commission's Thirty-fourth Annual Report (1954), p. 168.

[4] No bills to enact this recommendation were pending in the 85th Cong., but sec. 1(d) of S. 1880, 84th Cong., would have done so.

[5] No bills to carry out these recommendations were pending in the 85th Cong., but sec. 2 (b) and (c) of S. 1880, 84th Cong., were designed for that purpose.

[6] No bills to carry out these proposals are pending in the 85th Cong., but sec. 2(a) of S. 1880, 84th Cong., would have enacted these proposals and that in item 16 infra.

[7] No bills to implement this proposal are pending in the 85th Cong., although sec. 2(e) of S. 1880, 84th Cong., was designed to accomplish that purpose.

[8] This recommendation would be carried out by H.R. 2809, 85th Cong. Sec. 2(e) of S. 1880 and H.R. 433, 84th Cong., carried this recommendation. See the Commission's 33d Annual Report (1953), p. 152, concerning bills in earlier Congresses.

[9] S. 3862 in the 85th Cong. would enact this recommendation. See the Commission's 33d Annual Report (1953), p. 151, for prior bills, including H.R. 451 in the 83d Cong.

[10] No bills to enact this proposal are pending in the 85th Cong., but sec. 3 of S. 1880, 84th Cong., would have done so. See also S. 2746 and H.R. 5306 in the 81st Cong., discussed in sec. XI of the Commission's 30th Annual Report (1950), p. 133.

[11] No bills to enact this recommendation were pending in the 85th Cong. but sec. 2(e) of S. 1880, 84th Cong., would have done so.

[12] No bills to enact this recommendation are pending in the 85th Cong., but sec. 2(e) of S. 1880, 84th Cong., would have done so.

[13] No bills to enact this recommendation were pending in the 85th Cong., but sec. 4 of S. 1880, 84th Cong., would have done so.

[14] No bills to enact this recommendation were pending in the 85th Cong., but sec. 1(a) and (b) of S. 1880, 84th Cong., would have done so. See also sec. 1 of H.R. 6645, 84th Cong. (Harris bill vetoed by the President), and H.R. 4943 (Staggers) and related bills in the 84th Cong. discussed in the Commission's Thirty-fifth Annual Report (1955), p. 178.

[15] No bills to carry out this recommendation were pending in the 85th Cong. See footnote 22 ante.

[16] This recommendation was carried in secs. 3, 4, and 5 of H.R. 2438, 85th Cong., and was embodied in H.R. 7468, 84th Cong.

Gas Act and in conformity with the recommendations above (item 6) relating to that section.[17]

19. Federal Power Act—headwater benefits: That section 10(f) of the Federal Power Act be amended so as to require not only reimbursement by non-Federal power developers for benefits accruing to them from upstream facilities constructed by another but also to require reimbursement by the United States for improvements constructed by non-Federal interests.[18]

This recommendation is carried in sections 1 and 2 of H.R. 2438, 85th Cong., discussed on page 20 of the Commission's 37th annual report.

20. Federal Power Act—compulsory interconnections: That section 202 of the Federal Power Act be amended so as to authorize the Commission to compel the interconnection and coordination of electric power facilities of interstate public utilities duly found appropriate or necessary in the public interest.[19]

INCORPORATION OF THE U.S. CIVIL DEFENSE COUNCIL

Mr. HUMPHREY. Mr. President, on behalf of myself, and my colleague, the junior Senator from Minnesota [Mr. MCCARTHY] I introduce, for appropriate reference, a bill to federally incorporate the U.S. Civil Defense Council. On March 5, 1959, a companion bill, H.R. 5348, was introduced in the House of Representatives by Representative FRANK THOMPSON and has been referred to the Committee on the Judiciary.

Civil defense at the local level is essential if we are to have an effective civil defense program capable of realistically defending the civilian population against an enemy attack. The need for local as well as State action was realized in the passage of Public Law 85–606 which set up the program of Federal matching contributions for State and local civil defense units. The defense of the Nation became the joint responsibility of the Federal Government and the States, with their political subdivisions. The President's proposed $12 million appropriation to assist State and local civil defense agencies in meeting personnel and administrative expenses as presented in the independent offices appropriation bill for 1960 also indicates the necessity of supporting action on the local level.

This bill which I am introducing is consistent with previous legislation and policy for it is another way of granting recognition of the importance of local civil defense programs. As long as we are faced with the dilemma of destruction or survival in a thermonuclear holocaust I believe the Government should make every attempt to encourage men who dedicate themselves unselfishly to the national cause of civil defense.

At present the U.S. Civil Defense Council is a nonprofit corporation organized under the laws of the State of Ohio. It consists of city and county directors, administrators, coordinators, plant protection chiefs, and so forth, in target and support areas and major industrial plants. These men have united in an effort to protect the lives and property of residents and employees against enemy action or natural disaster. The wide range of experiences possessed by the members of the council enables this organization to collect, evaluate and disseminate a great deal of valuable information. Granting a Federal charter to the U.S. Civil Defense Council would aid this corporation in expanding its present services.

The Office of Civil and Defense Mobilization has endorsed the objectives of this bill.

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

The bill (S. 2269) to incorporate the U.S. Civil Defense Council, introduced by Mr. HUMPHREY (for himself and Mr. MCCARTHY), was received, read twice by its title, and referred to the Committee on the Judiciary.

IMPROVEMENT OF ADMINISTRATION OF TRANSFERS OF CERTAIN REAL PROPERTY FOR WILDLIFE AND OTHER PURPOSES

Mr. GRUENING. Mr. President, on behalf of the Committee on Government Operations, I introduce, for appropriate reference, a bill to improve the administration of transfers of real property for wildlife or other purposes.

This bill is being introduced at the request of the Administrator of General Services as a part of the legislative program of the General Services Administration for 1959.

The purpose and outline of the provisions of the bill are contained in a letter addressed to the President of the Senate under date of June 3, 1959, by the Administrator of General Services, which was referred to the Committee on Government Operations. I ask unanimous consent that the letter from Mr. Floete 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. 2270) to improve the administration of transfers of certain real property for wildlife or other purposes by repealing the act of May 19, 1948, and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended, introduced by Mr. GRUENING, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The letter presented by Mr. GRUENING is as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., June 3, 1959.

HON. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: There is transmitted herewith for referral to the appropriate committee, a draft bill prepared by this agency, "To improve the administration of transfers of certain real property for wildlife or other purposes by repealing the act of May 19, 1948 and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended."

This proposal is a part of the legislative program of the General Services Administration for 1959.

The act of May 19, 1948 (62 Stat. 240, ch. 310), hereinafter referred to as Public Law 537, authorizes the transfer of real property, which is under the jurisdiction or control of a Federal agency and no longer required by such agency, to States, without reimbursement, for the conservation of wildlife other than migratory birds, and to the Department of the Interior, without transfer of funds, for carrying out the national migratory bird mangement program, provided that such property can be utilized for wildlife conservation purposes; that it is chiefly valuable for such purposes; and that it is available for transfer. Such transfers to other than the United States are subject to the reservation by the United States of all oil, gas, and mineral rights; and, in the event the property is no longer used for the purpose intended or is needed for national defense purposes, title thereto shall revert to the United States.

The primary reason for the proposal to repeal Public Law 537 and incorporate its essential provisions in the Federal Property and Administrative Services Act of 1949, as amended, is to bring disposals of property for wildlife purposes under the general disposal authority of the latter Act. Such consolidation will permit the application of appropriate concomitant authority in the latter act, as well as the application of general agency regulations issued thereunder to wildlife property transfers. The result will be a more simplified, economical, and efficient disposal operation for this particular category of surplus real property.

Public Law 537 requires clarification in many other respects, as indicated below:

(1) The act does not specify who is to determine that a property can be utilized for wildlife conservation purposes. It is proposed that the Secretary of the Interior make this determination inasmuch as the Fish and Wildlife Service of the Department of the Interior is cognizant of the requirements in this area and has working relationships with the State agencies exercising administration over wildlife resources.

(2) The act does not specify who is to determine that a property is chiefly valuable for wildlife purposes. The Administrator of General Services, as the Government official charged with the responsibility and authority for disposal of surplus real property of all classifications, is best qualified to determine the chief value of property for any particular purpose, including use for wildlife purposes.

Public Law 537 requires a determination by the Administrator of General Services (as successor to the War Assets Administrator) that the property is "available" for use for wildlife purposes. Such determination is not necessary since property no longer required by a Federal agency having jurisdiction or control of that property is first screened as excess property by GSA, becomes surplus property if there is no requirement

[17] No bills to enact this proposed amendment are pending in the 85th Cong.

[18] Commissioner Connole stated that this recommendation would require a change in congressional policy toward federally constructed projects as presently expressed in the Federal Power Act. He said he was convinced that the Commission had no right as an agency of the Congress to recommend a change in such policy unless it had persuasive facts or reasons at its disposal not available to the Congress. He stated that since none had been brought to his attention, he felt the Commission had no jurisdiction to make this recommendation.

[19] No bills to effect this proposal were pending in the 85th Cong.

for it by another Federal agency and, therefore, is available for wildlife conservation and other purposes at the time disposal action is taken.

In the absence of clear delineation of authority, past disposals under Public Law 537 have been accomplished in accordance with the procedures recommended above and have presented no problems.

Subsection (2) of section 203(p), a part of the proposed amendment to the Federal Property and Administrative Services Act of 1949, as amended, includes all of the reservations and conditions appearing in Public Law 537, together with appropriate amendments and additions thereto which permit a greater safeguard of the interests of the United States. For example, it is felt advisable to reserve to the United States oil, gas, and mineral rights in the transferred realty only when the Administrator of General Services determines that such reservations are in the interest of the Government. It is also felt advisable that such reservations should not be carried on Government records as assets when, in fact, their productive potential is negligible.

Once disposal action has been taken by GSA, it is essential that the reservations or restrictions imposed on the transferee be policed to enforce compliance therewith. Public Law 537 is silent on who would accomplish this. Since the Fish and Wildlife Service of the Department of the Interior, for the reasons stated above, has the primary continuing interest in such wildlife property, the enclosed draft bill would amend subsection (C) of section 203(k)(2) of the Federal Property and Administrative Services Act of 1949, as amended, to require that the Secretary of the Interior enforce compliance with, as well as reform, correct or amend and grant releases from the terms, conditions, reservations and restrictions contained in such transfers.

With the incorporation of the substantive provisions of Public Law 537 into the Federal Property and Administrative Services Act of 1949, as amended, efficient administration thereof requires that the publication requirement of section 2 of Public Law 537 be dispensed with and that the reporting requirements of section 3 of Public Law 537 be superseded by the GSA reporting requirements for all surplus property disposals.

The enactment of this legislation would not increase the expenditure of Federal funds.

For these reasons, prompt and favorable consideration of the enclosed draft bill is recommended.

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

Sincerely yours,

FRANKLIN FLOETE,
Administrator.

POULTRY DIVERSION PROGRAM

Mr. McCARTHY. Mr. President, on behalf of myself, my colleague, the senior Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Georgia [Mr. TALMADGE], I introduce, for appropriate reference, a joint resolution directing the Secretary of Agriculture to take specific steps to deal with the present emergency of the Nation's egg and poultry producers.

This joint resolution is similar to others introduced in the House of Representatives by members of the House Committee on Agriculture.

The purpose of the joint resolution is to direct the Secretary of Agriculture to use the authority and funds already provided by Congress for such an emergency as this. It would require a poultry diversion program, designed to remove by a purchase plan up to 5 percent of the laying hens. The hens so acquired would be processed for use in the school lunch and other domestic donation programs, as well as in the export program and other commercial outlets.

This is a temporary measure to alleviate the crisis which has hit the egg and poultry market. It is not designed as a permanent program.

The laying flocks this year have averaged only about 3 percent higher than a year ago. The rate of laying is also up slightly. Consequently there has been a moderate overproduction, but this has resulted in a disastrous drop in prices. It is estimated that the purchase of some 15 million laying hens would return the supply and demand ratio to that of a year ago, with a consequent increase to farmers of prices closer to parity. The joint resolution permits the Secretary of Agriculture to require producers not to replace the hens sold for a period of up to 6 months.

No appropriation is required nor is any change in basic farm legislation necessary. I understand that the carryover of section 32 funds will be approximately $300 million this year, and $246 million additional will be available from customs receipts. After allowing for committed expenditures, this still leaves in excess of $500 million to be used.

Hens in the Minnesota markets have been selling for several weeks at from 5 to 7 cents per pound. Both out of justice to the farmer and in order to make the diversion program effective, the Secretary should offer around 15 cents per pound, certainly no less than 12 cents. Sixty million pounds at 15 cents per pound would require an expenditure of $9 million, and at 12 cents per pound, a little over $7 million. The costs of processing would be added to this amount, but of course the value of the product would offset a good share of the expense.

Mr. President, it is hard for us to appreciate the extent of the disaster which has hit the egg producers. The prices for eggs are averaging the lowest level since 1941, and when measured by the ratio of the cost of feed to the price of eggs the price is the lowest since 1937. The parity price for eggs in May was estimated at 47 cents per dozen. The prices paid for grade A eggs in Minnesota for the last several months have been 18 to 21 cents per dozen, with medium eggs at from 13 cents to 16 cents per dozen. This means that eggs have been around 40 percent of parity.

We have only to think back to comparable prices in 1941 to recognize the nature of the crisis faced by the nearly 2 million farmers who are engaged in egg production. In mid-June, 1941, No. 1 yellow corn was selling for 75 cents a bushel; today it is at $1.32 a bushel. The new Ford four-door sedan was advertised at $740 in 1941; today a comparable model is over $2,000, though of course the 1959 model is a better car. Steel workers were averaging 94 cents per hour in 1941; today they are getting $3.06 per hour. But the price of eggs today is the same as in 1941.

Under these circumstances, Mr. President, I believe that an extraordinary measure such as the proposed joint resolution is justified. We have waited 4 months for the Secretary of Agriculture to use the appropriations and discretionary powers given to him by Congress. I believe that it is the responsibility of Congress to step in now and direct the Secretary specifically to adopt measures to provide emergency assistance to a segment of American agriculture in desperate need.

Senators are familiar with Mr. Benson's frequent assertions that he favors price supports, at least "to prevent disaster to the farm producing plant." Mr. President, it does not seem out of order to suggest that 1941 prices in the 1959 economy is a disaster that 40 percent of parity is a disaster.

I regret that the Secretary has chosen not to use his authority in a way suited to the size of the problem. I have written and called his office several times. Other Senators have done likewise. Special hearings of the Committee on Agriculture of the other body have been held and the Secretary has been formally requested to intervene. All these requests have failed to bring any decisive or effective action.

I had arranged with an officer of the Minnesota Poultry Hatchery Association to bring a delegation to Washington to testify at hearings. He wrote shortly before the date set saying they could not come, because "most of the organizations of which I am affiliated with are so short of money that we actually have not enough to send someone to Washington." He did endorse the plan of poultry diversion through the purchase of hens, stating:

> Your request or recommendation of purchasing hens is of tremendous importance.

I am assured by mail and calls that there is strong support for this emergency measure.

The reasons why the egg and poultry producers are in this crisis are clear, I believe. In this connection I should like to quote from a speech delivered by Secretary of Agriculture Benson at the Poultry Festival of the Pennsylvania State Poultry Federation, Hershey, Pa., August 25, 1956. Mr. Benson stated:

> We have always before us such contracts as the inspiring example of your poultry industry versus the sad plight of the so-called basic crops.
>
> You are free, expanding and progressive. They have had rigid price supports and have become surplus, depressed and production-controlled. Their problems have gotten worse and not better.
>
> Your future—
>
> The egg and poultry producers—
>
> may be interpreted anywhere in the range from encouraging to inspiring. Until their production and market can be brought back into balance, their outlook is discouraging and bleak.

There is no need to dwell on the fact that Secretary Benson has been proven wrong again. The joint resolution which I have introduced today is not a partisan proposal to take political advantage of a discredited position. The issue is the welfare of a sizable number of American farmers who are in great need of temporary assistance.

I ask unanimous consent that the joint resolution may lie on the table until Friday, June 26, to enable any Senators who may wish to joint as sponsors of the joint resolution to do so.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will lie on the desk, as requested by the Senator from Minnesota.

The joint resolution (S. J. Res. 112) directing the Secretary of Agriculture to carry out a poultry diversion program, introduced by Mr. MCCARTHY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

CAREER MINISTERS, MINIMUM LANGUAGE AND INFORMATION STANDARDS ESSENTIAL TO PROPER CONDUCT OF AMERICAN FOREIGN RELATIONS

Mr. NEUBERGER. Mr. President, recently the able Washington syndicated columnist, Marquis Childs, wrote:

> What does it take to be an ambassador? The cynical answer is a judicious compound of money and political influence.

Today I submit, for appropriate reference, a resolution designed to encourage the elimination of these two factors as qualifications for appointment to serve as Chief of Mission in U.S. diplomatic posts overseas.

My proposal is that the Senate state explicitly by resolution that it is the policy of this body that missions abroad be headed by career diplomats with a reasonable knowledge of the language, history, culture, economy, and political institutions of the country to which they are sent—unless it can be demonstrated by the President that an appointment consistent with this policy is not in the best interests of the United States.

Mr. President, in recent years increasing public attention has been focused on, first, the critical need for trained and skilled diplomats to represent our Nation in other countries; and second, the serious failure on the part of our Government to staff many major diplomatic posts with personnel of this caliber.

POLITICAL PLUM PHILOSOPHY OUTDATED

Numerous thoughtful students of American foreign affairs, including the distinguished former chairman of the Senate Foreign Relations Committee, the Senator from Rhode Island [Mr. GREEN], and his equally distinguished successor to that position, the Senator from Arkansas [Mr. FULBRIGHT], have emphasized the crucial nature of these appointments in connection with the role of the United States as a world leader, and have urged application of a high standard of professional capacity in the selection of U.S. ambassadors and ministers.

In a letter to Secretary of State John Foster Dulles on April 3, 1959, the Senator from Rhode Island [Mr. GREEN] pointed out that past practices of granting diplomatic appointments as political plums can no longer be tolerated in view of the heavy responsibilities of the United States. He stated:

> It is generally known that Presidents and Secretaries of State of both political parties have been under pressure from those who feel that an ambassadorship is a reward for past service or help. In my opinion, we can no longer afford to give way to such pressure in appointment making.

APPOINTMENT RESPONSIBILITY DUAL

In 1952 Gen. Dwight D. Eisenhower told the American people:

> We will call to high offices of the Government the best men and women, the ablest and most reliable in the land.

He told the voters that "merit and not political reward" would be the criterion for filling top governmental posts.

These were statements of high idealism which members of both major political parties in our country would readily endorse. However, applications of this principle in the field of foreign relations since 1953 has been less than uniform. The appointment of Maxwell Gluck as Ambassador to Ceylon in 1957 emphasized this fact.

In fairness, it must be recognized that, under our Constitution, responsibility for major diplomatic appointment is dual. The President has the power of appointment. The Senate has the power of veto. Though a negative force, the Senate must share in criticism of the record.

There exists common agreement among foreign affairs experts, both inside and outside of government, that the interests of the United States are best served if major diplomatic posts are filled on a nonpartisan basis from the ranks of career Foreign Service personnel with knowledge of the primary or secondary language and of the culture of the country to which they are assigned. The advantages are obvious. Paramount among them are insurance of handling of foreign relations by experts, establishment of continuity within the State Department, and maintenance of morale among Foreign Service officers.

STANDARD APPLIED UNILATERALLY

But while this view is widely held, the standard which it implies has been applied only unilaterally, and then usually as a subordinate argument among a host of other objections. I believe that this criterion should represent the basic minimum qualification and be applied to all appointments. Until such a common frame of reference is stipulated, we shall not only fail to realize the fully professional Foreign Service deemed desirable, but shall do an injustice to future individual ministerial or ambassadorial appointees who will each face different standards of judgment.

Much attention has been given in the past 2 years to the question of language proficiency among those who serve in our embassies abroad. It has been pointed out that inability on the part of our ambassadors and ministers to speak the language of the country in which they serve decreases their effectiveness as U.S. representatives overseas. Some of this discussion has exaggerated the importance of language facility, ignoring the fact that extraordinary talents for negotiation or special technical knowledge may dictate the appointment, although language skill is not present. However, in general, the public debate has performed a beneficial service by indicating the dangers to American diplomacy which result from inadequate attention to this qualification.

LANGUAGE PROFICIENCY PUSHED

One of the results of this public review has been the introduction of legislation by the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Montana [Mr. MANSFIELD] which would express the policy of Congress that chiefs of mission and Foreign Service officers, to the maximum practicable extent, should have a useful knowledge of the principal language or dialect of the country in which they serve and an understanding of the history of that nation. The bill also provides for creation of language standards for Foreign Service officers, expansion of language training programs, and creation of incentives to encourage language study.

Today approximately two-thirds of the chiefs of mission heading U.S. diplomatic posts in other countries are classified as career personnel. The impact of this ratio is heightened by the fact that noncareer individuals occupy many of the most important posts.

Recently I asked the State Department to furnish me with a report on the language proficiency of our chiefs of mission. The Department supplied me with a list of career officers serving in such a capacity and cited their proficiency in the primary and secondary languages of the post at which they are presently stationed. Of the 54 individuals named, 48 were indicated to have at least a limited knowledge of either the first or the second language of their post. With respect to noncareer appointees, the Department informed me that it was unable to furnish information as to language ability. This, in and of itself, has considerable significance.

CAREER DIPLOMATS RECORD GOOD

I think that the degree of language proficiency exhibited by career diplomats, as shown by the State Department's records is an additional argument supporting maintenance of a completely professional Foreign Service. If tabulations were available with respect to dilettante diplomats, I am confident that the comparison would be glaring in connection with countries where English is not the primary language.

Mr. President, I ask unanimous consent that the chart prepared for me by the State Department be printed in the RECORD at this point.

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

Career officers serving as chiefs of mission as of May 1, 1959, and their proficiency in languages pertaining to the country of assignment

Post	Primary language of post	Secondary language of post	Chief of mission	Proficiency in—	
				Primary language of post	Secondary language of post
Afghanistan	Persian	French/German	Henry A. Byroade (FSO–1)	No	Limited.
Argentina	Spanish		Willard L. Beaulac (CM)	Yes	Not applicable.
Australia	English		William J. Sebald (CM)	Not applicable	Do.
Austria	German	French	H. Freeman Matthews (CA)	Yes	Yes.
Bolivia	Spanish	English	Carl W. Strom (CM)	do	Not applicable.
Burma	Burmese	Chinese/Mandarin	Walter P. McConaughy (FSO–1)	No	No.
Cambodia	Cambodian	French/Chinese	William C. Trimble (CM)	do	Yes.
Ceylon	Singhalese	Tamil	Lampton Berry (CM)	do	No.
China	Chinese	Japanese	Everett F. Drumright (FSO–1)	Yes	Do.
Colombia	Spanish	English	John M. Cabot (CM)	do	Not applicable.
Cuba	do		Philip W. Bonsal (CM)	do	Do.
Czechoslovakia	Czech	German/Russian	John M. Allison (CM)	No	No.
Ecuador	Spanish	English	Christian M. Ravndal (CM)	Yes	Not applicable.
Ethiopia	Amharic	French	Don C. Bliss (CM)	No	Yes.
Finland	Finnish	Swedish	John D. Hickerson (CM)	Limited	No.
Ghana	English		Wilson C. Flake (FSO–1)	Not applicable	Not applicable.
Greece	Greek	French	Ellis O. Briggs (CM)	No	Limited.
Guatemala	Spanish	English	Lester D. Mallory (CM)	Yes	Not applicable.
Haiti	French	do	Gerald A. Drew (CM)	do	Do.
Honduras	Spanish	do	Robert Newbegin (CM)	do	Do.
Iceland	Icelandic	do	John J. Muccio (CM)	Limited	Do.
Indonesia	Indonesian	Chinese	Howard P. Jones (CM)	do	No.
Iran	Persian	French/Turkish	Edward T. Wailes (CM)	No	Yes.
Iraq	Arabic	English	John D. Jernegan (FSO–1)	do	Not applicable.
Japan	Japanese	do	Douglas MacArthur 2d (CM)	do	Do.
Jordan	Arabic	do	Sheldon T. Mills (Ambassador) (CM)	do	Do.
Korea	Korean	Chinese	Walter C. Dowling (CM)	do	No.
Laos	Lao	French	Horace H. Smith (FSO–1)	do	Yes.
Lebanon	Arabic	do	Robert McClintock (FSO–1)	do	Do.
Libya	do	Italian/French	John Wesley Jones (CM)	do	Do.
Luxembourg	French	German	Vinton Chapin (CM)	Yes	Limited.
Malaya	Malay	Chinese	Homer M. Byington, Jr. (CM)	Limited	No.
Morocco	Arabic	French	Charles W. Yost (CM)	No	Yes.
New Zealand	English		Francis H. Russell (FSO–1)	Not applicable	Not applicable.
Norway	Norwegian	English	Miss Frances E. Willis (CM)	Limited	Do.
Panama	Spanish	do	Julian F. Harrington (CM)	Yes	Do.
Peru	do	do	Theodore C. Achilles (CM)	do	Do.
Philippines	Tagalog	do	Charles E. Bohlen (CM)	No	Do.
Poland	Polish	Russian	Jacob D. Beam (CM)	do	Yes.
Portugal	Portuguese	Spanish/French	C. Burke Elbrick (CM)	Limited	Do.
Rumania	Rumanian	Russian	Clifton R. Wharton (CM)	No	No.
Saudi Arabia	Arabic	English	Donald R. Heath (CM)	Limited	Not applicable.
Sudan	do	do	James S. Moose (CM)	Yes	Do.
Sweden	Swedish	do	James C. H. Bonbright (CM)	No	Do.
Thailand	Thai	Chinese	U. Alexis Johnson (FSO–1)	do	No.
Tunisia	Arabic	French	G. Lewis Jones (CM)	Limited	Yes.
Turkey	Turkish	English	Fletcher Warren (CM)	No	Not applicable.
Union of Soviet Socialist Republics.	Russian		Llewellyn E. Thompson (CM)	Yes	Do.
United Arab Republic	Arabic		Raymond A. Hare (CM)	Limited	Do.
Uruguay	Spanish	English	Robert F. Woodward (CM)	Yes	Do.
Venezuela	do	do	Edward J. Sparks (CM)	do	Do.
Vietnam	Vietnamese	French	Elbridge Durbrow (CM)	No	Yes.
Yemen	Arabic	English	Raymond A. Hare (CM) (also Ambassador to United Arab Republic).	Limited	Not applicable
Yugoslavia	Serbo-Croatian	French/German	Karl L. Rankin (CM)	No	Yes.

Mr. NEUBERGER. Mr. President, I support the Saltonstall-Mansfield proposal. However, I believe that, coincident with efforts to increase language proficiency, there should be an attempt to raise the level of knowledge of the historical development of the country to which a diplomat is to be assigned. The two areas of study are, of course, so naturally intertwined as to make one the necessary corollary of the other. Full congressional backing should be given to insuring that adequate attention is given to both.

Mr. President, the proposal which I present today is broader than that encompassed in the Saltonstall-Mansfield bill. The purpose of the resolution which I submit is to prohibit, except in unique situations, political appointments to major diplomatic positions in U.S. missions overseas. Enactment of my proposal would provide, first, an explicitly stated expression of the sense of the Senate that such appointees must come from the ranks of career Foreign Service personnel and possess minimum language and knowledge qualifications, and second, a warning to the Chief Executive that the burden of justifying an appointment not in accordance with this policy rests with the President.

This resolution would, of course, not be binding upon the Senate in succeeding Congresses. But I believe its adoption would establish a precedent which might weigh heavily with those who may follow us in this body.

NONCAREER APPOINTEES CONTROVERSIAL

Mr. President, while there have been exceptions—for instance, the nomination of Charles Bohlen as Ambassador to Russia—controversy in the Senate over diplomatic appointments has in the main resulted from opposition to selection of persons outside the career service. Application of the standard which I propose would eliminate this area of conflict.

My resolution does not attempt to commit the Senate to an inflexible policy, or place a straitjacket on the ability of the President to draft into the diplomatic service a noncareer individual. It states specifically that such a procedure is desirable if it can be demonstrated to be in the best interests of our country.

I do not believe my proposal is subject to valid objection on the grounds that certain diplomatic posts must be filled by men of wealth, in order that the social responsibilities incumbent upon the occupant of the position may be adequately fulfilled. The simple remedy to this problem is to increase the representation allowance provided to the State Department so that there may be allotted the particular station funds sufficient to cover the entertainment costs involved.

WOULD PLACE SENATE ON RECORD

Mr. President, James Reston of the New York Times has performed a valuable service in recent years in bringing to public attention the failure of the United States to head its major diplomatic posts overseas with the best available men and women.

In his dispatches to the Times, Mr. Reston has pointed out with great clarity the consequences of continual refusal to face up to this problem in a consistent and across-the-board fashion. I ask unanimous consent that two of his columns on this subject be printed in the RECORD at the conclusion of my remarks.

Mr. President, the consent of the Senate is granted or withheld on numerous individual appointments to diplomatic posts each session. But the Sen-

ate's advice is usually offered only after the fact. This resolution offers an opportunity to place the Senate on record in support of a trained diplomatic corps able at all levels to meet the challenge in the field of international relations which faces our Nation today. I ask unanimous consent that the text of my resolution be printed at this point in the RECORD.

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

The resolution (S. Res. 138) submitted by Mr. NEUBERGER, was referred to the Committee on Foreign Relations, as follows:

Resolved, That it is the policy of the Senate that ambassadors and ministers appointed to head U.S. missions in foreign countries shall be career diplomats and shall have, to the maximum practicable extent, a useful knowledge of the principal language or dialect of the country in which they are to serve, and knowledge and understanding of the history, the culture, the economic, and political institutions, and the interests of such country and its people; except that this policy shall not be construed to preclude the appointment of any such ambassador or minister in case such appointment is clearly demonstrated to be in the best interests of the United States.

The articles presented by Mr. NEUBERGER are as follows:

[From the New York Times, Aug. 7, 1957]

THE ENVOY AND HIS GIFTS—A VIEW THAT ADMINISTRATION'S PRACTICE DOESN'T FOLLOW ITS PRINCIPLES OF SELECTION

(By James Reston)

WASHINGTON, August 5.—Secretary of State Dulles rushed to the defense of Maxwell H. Gluck, the new U.S. Ambassador to Ceylon today, but the controversy over the administration's ambassadorial appointments continues.

The reason for this is that the question has been allowed to get away from the principle of executive appointment laid down by General Eisenhower himself in the 1952 campaign.

In that campaign, one of General Eisenhower's most effective arguments was that he stood for merit in Government jobs, regardless of partisan considerations.

It is a new world, he asserted, in which old habits of political reward are no longer justified. He seemed then, indeed, to stand above party, and this appealed wherever he went to the independent "plague on both your houses" attitude of the electorate.

"We will call to the high offices of the Government," he said all over the country, "the best men and women, the ablest and most reliable in the land."

This was his principle, and the general feeling here in a period of lively diplomatic activity is that it is the correct principle to apply in the Gluck case.

HAVE THEY OBSERVED THE PRINCIPLE?

The issue is not whether the Eisenhower administration is being more political in its ambassadorial appointments than the Democrats, or whether these jobs should be given to the top career men in the Foreign Service, but whether the appointments have met the President's principle of appointing the best man available, regardless of party, wealth, or foreign service record.

Mr. Dulles made the points today that Mr. Gluck was a man of integrity, that a man's campaign contributions were "by no means a determining or important factor in our appointments," and that some Democrats had been appointed to important posts.

Nobody has questioned Mr. Gluck's integrity. As a matter of fact, in this whole controversy he has come nearer to the truth, the whole truth, and nothing but the truth, even when the truth hurts, than anybody else. He admitted he didn't know the name of the Prime Minister of Ceylon, or the name of the U.S. Ambassador to India, or how to pronounce Nehru. Nobody has been that frank in Washington since Harry S. Truman wrote to Paul Hume, the music critic of the Washington Post.

DON'T SPEAK THE LANGUAGE

The question remains, however, whether the appointments, including the Gluck appointment, have met the President's own test. Among the factors in this are the following:

In the non-English-speaking North Atlantic Treaty Organization countries, the Eisenhower appointees do not speak the language of the country in France, Germany, Belgium, the Netherlands, Norway and Turkey.

In the whole of the Arab-speaking world, where the prestige and interests of the United States are now deeply involved, only three U.S. Ambassadors speak Arabic. They are Raymond Hare in Egypt, George Wadsworth in Saudi Arabia, and James S. Moose in Syria—all Foreign Service officers.

Llewelyn E. Thompson, Jr., the new Ambassador in the Soviet Union, is the only U.S. head of mission appointed by the President to a Communist country who speaks the language of the country to which he was assigned.

In Asia, the U.S. Ambassadors do not speak the language of Japan, Nationalist China, Korea, Burma, Thailand, Vietnam, Indonesia, or the Philippines.

This does not mean that these were all bad appointments. Many of them were excellent, regardless of the language difficulty, but it is an indication that the principles of the best man available has not always been followed.

PROBLEM OF ALLOWANCES

The President, for example, has said publicly in response to questions that the Congress should make available representation allowances so that he does not have to choose ambassadors for expensive posts from the limited ranks of those who have sufficient money to meet the social obligations of posts in London, Paris, and elsewhere.

This was not followed, however, by any White House action to carry this principle into effect. In short, as most observers here see it, the administration has pronounced correct principles on the problems of ambassadorial appointments but has not followed them.

What has happened here, most well-informed men believe, is merely that the administration has carried on the pork-barrel system as before, with three exceptions:

1. It has given more posts to Foreign Service officers than to political appointees—53 to 23.

2. It has introduced a new system of changing almost all political appointees at the end of its first term and appointing new ones.

3. And finally, it has differed from the tradition of the past by denying that campaign contributions are an important factor in choosing ambassadors.

If it had not denied this last practice, the Gluck appointment would have been merely an amusing 1-day story about an honest man getting caught in an ancient political game. But because the administration has pronounced such noble principles, and then departed from them while proclaiming its innocence, the argument is prolonged to nobody's advantage.

[From the New York Times, Feb. 11, 1959]

FOREIGN POLICY OFFICIALS—EISENHOWER, IN CONTRAST TO 1952, SEEKS MEN WHO CAN FILL TASKS ADEQUATELY

(By James Reston)

WASHINGTON, February 10.—President Eisenhower made a comment today that illustrates the change that has gradually developed in the selection of top foreign policy officials of the Government.

He defended at his news conference his record of nominating top officials on the ground that "in every vacancy that occurs, we try to find a man that can fill it adequately." Political considerations did enter into his choices, he said, but these were always secondary. Finally, he said that he could not give any more time to the supervision of foreign policy matters than he now did without neglecting his responsibilities in other fields.

President Eisenhower's emphasis today on adequacy was quite different from the theme and tone of the early days of his political career in 1952, when he was talking, not about getting adequate men, but about getting the best men in the country to fill these jobs, regardless of party affiliation.

NINETEEN FIFTY-TWO SPEECH RECALLED

The single standard for filling top executive posts, he told the voters in Duluth, Minn., a month before his first election, "shall be merit and not political reward."

Two weeks later he told a rally at Bridgeport, Conn., "this problem of bringing peace to the world is one that is going to demand in Washington the finest people that this country affords, men and women of prestige in their own region, men and women who in their combined selves can command the respect of, and unite the people of the United States behind great programs."

This issue is up again because the new chairman of the Senate Foreign Relations Committee, Senator J. W. FULBRIGHT of Arkansas, charged publicly yesterday that some of the President's ambassadorial appointments had "not been up to standard."

Coincidentally, Senator FULBRIGHT and others have complained that partisan political considerations—specifically a protest from the chairman of the Republican National Committee, Meade Alcorn—have blocked the appointment of Henry Labouisse as director of the International Cooperation Administration.

ALCORN PROTESTED

The Acting Secretary of State, C. Douglas Dillon, recommended Mr. Labouisse as the best man for the job, but Mr. Alcorn opposed him on the ground that he registered as a Democrat in 1941.

This is one of those conflicts that might be settled by a little quiet consultation between the President and the Democratic leaders in the Senate, but it could cause considerable trouble in the last 2 years of the Eisenhower administration if it is not resolved.

The President and the Senate share responsibility for appointing ambassadors and other top executive officials. The Democrats, with a 64–34 majority in the Senate, have the power to block the President's appointments, and some them, particularly Senator FULBRIGHT's colleagues on the Foreign Relations Committee, are in a mood to do so if they think the President has reversed his 1952 principal of "merit and not political reward."

The President is in a difficult position in the Labouisse case. The mutual security program, administered by ICA under the State Department, is the President's favorite overseas program. He defended it again today.

ALLOWED EARLIER BLACKBALL

But he permitted Mr. Alcorn to blackball Mr. Labouisse last year for the deputy di-

rectorship of the ICA, and he is now seeking the support of a reluctant Congress for another mutual security appropriation while seeming to be indifferent about his own State Department's second attempt to appoint Mr. Labouisse this time to the directorship.

As a matter of fact, there is a basis for understanding and compromise in this field. The President complained today that he could not appoint anybody but rich men to major ambassadorships because Government allowances for these posts were not high enough.

It is widely believed here, however, that the President could get the support of Speaker SAM RAYBURN in the House, and Senator LYNDON JOHNSON in the Senate for adequate representation allowances provided he would go back to his original principle of appointing the best men available, regardless of party or financial position.

At most, this would cost under $5 million a year to provide adequate allowances for superior Ambassadors and their aides in London, Paris, Madrid and the other "expensive" posts. The main objective of U.S. policy is to deter wars. This is the function of diplomacy and of the so-called bipartisan policy of strength, supported by both parties but not extended to the selection of the men who must administer it.

The Democrats are not asking for equal appointments. They are merely saying that, when the President's own officials in the State Department select an experienced and even distinguished man for a major job, he should not be rejected merely because he registered as a Democrat 18 years ago.

They are also saying that in this day, it is not good enough to have American Ambassadors in Madrid, Paris, Brussels, The Hague, Bonn, Copenhagen, Oslo, Ankara, and Athens—to mention only a few—who have no working knowledge of the language of those capitals.

In short, they are making a fuss, not because they oppose the appointments policy the President defined in 1952, but because they agree with it but do not think he has redeemed his promise.

EXTENSION OF THE EXISTING CORPORATION NORMAL TAX RATE AND CERTAIN EXCISE TAX RATES—AMENDMENTS

Mr. DOUGLAS submitted an amendment, intended to be proposed by him, to the bill (H.R. 7523) to provide a 1-year extension of the existing corporate normal tax rate and of certain excise tax rates, which was ordered to lie on the table and to be printed.

Mr. GORE submitted an amendment, intended to be proposed by him, to House bill 7523, supra, which was ordered to lie on the table and to be printed.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954—AMENDMENTS

Mr. JAVITS submitted amendments, intended to be proposed by him, to the bill (S. 1451) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, which were ordered to lie on the table and be printed.

CITIZENS COUNCIL FOR ADVOCACY OF FREEDOM—ADDITIONAL COSPONSOR OF BILL

Mr. WILEY. Mr. President, on June 16, 1959, I was pleased to introduce the bill (S. 2188) to provide for the establishment of a Citizens' Council for Advocacy of Freedom. I ask unanimous consent to add the name of the Senator from South Dakota [Mr. MUNDT] as a cosponsor of this proposed legislation.

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

LIMITATION OF POWER OF STATES TO IMPOSE INCOME TAXES ON CERTAIN INCOME—ADDITIONAL COSPONSOR OF BILL

Mr. BUTLER. Mr. President, I ask unanimous consent that my name may be added as an additional cosponsor of the bill (S. 2213) to limit the power of the States to impose income taxes on income derived exclusively from the conduct of interstate commerce, introduced by the Senator from Connecticut [Mr. BUSH] (for himself and Mr. KEATING) on June 22, 1959, the next time the bill is printed.

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

AMENDMENT OF TENNESSEE VALLEY AUTHORITY ACT—RECOMMITTAL OF BILL AND REPORT—MEETING OF COMMITTEE ON PUBLIC WORKS

Mr. KERR. Mr. President, yesterday, for and on behalf of the Committee on Public Works and its chairman, the distinguished senior Senator from New Mexico [Mr. CHAVEZ], I filed the committee report (No. 419) on the bill (H.R. 3460) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes. After the deliberations of the committee, and when the bill was ordered reported, requests were made by certain Senators that they be permitted to have the opportunity to see the contents of the report and also to be permitted to offer suggestions or amendments or disagreeing views. That request was agreed to. When the report was filed, it was thought by the Senator from Oklahoma that the request had been complied with. I now find that, by error, it was not.

I therefore ask unanimous consent that H.R. 3460, together with the report filed yesterday, may be recommitted to the committee for further consideration by the committee.

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

Mr. KERR. Mr. President, I ask unanimous consent that the Committee on Public Works may sit in session on this matter tomorrow afternoon at 2 o'clock.

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

RETIRED MILITARY OFFICERS DEFENSE PROCUREMENT ACTIVITIES ACT OF 1959

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD, as part of my remarks, Senate bill 2228, the retired officers bill, which I introduced yesterday, and which is lying on the desk, where it is available for additional sponsorship.

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

Senate bill 2228 is as follows:

S. 2228

A bill to amend titles 10 and 18 of the United States Code with respect to activities by retired or former officers of the Armed Forces in connection with sales to the Government and proceedings, contracts, claims, controversies, or other matters relating to activities of the department in which they have served

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Retired Military Officers Defense Procurement Activities Act of 1959".

SEC. 2. (a) Chapter 15 of title 18, United States Code, is amended by—

(1) striking out the following sentence in section 281 thereof: "Nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status.";

(2) inserting therein, immediately after section 281 thereof, the following new section:

"§ 281A. Disqualification of retired officers of the Armed Forces.

"Whoever, being a retired officer of the Armed Forces of the United States not on active duty—

"(a) at any time knowingly represents, aids, or assists, or acts as agent or attorney for, anyone in connection with any proceeding, contract, claim, controversy, sale, or other matter (1) to which the United States or any department or agency thereof is a party or in which the United States or any department or agency thereof is directly or indirectly interested, and (2) concerning which he had any direct responsibility while in active duty status; or

"(b) within two years after his retirement knowingly represents, aids, or assists, or acts as an agent or attorney for, anyone in connection with (1) the sale of anything to the Government through the department in whose service he holds a retired status, or (2) any proceeding, contract, claim, controversy or other matter to which the United States or that department is a party, or in which the United States or that department is directly or indirectly interested, and which relates to any activity of the Department in which he holds a retired status—

"Shall be fined not more than $10,000, or imprisoned not more than one year, or both, except that nothing in this section shall prevent any officer from taking uncompensated action, not inconsistent with the faithful performance of his duties, to aid or assist any person who is the subject of disciplinary proceedings which may result in his removal or suspension from a position in Government, or other penalty, or who has been removed or suspended from such a position, to present his defense or to be reinstated or restored to duty."; and

(3) inserting in section 284 thereof, immediately before the word "Whoever", the subsection designation "(a)", and by adding at the end of that section the following new subsection:

"(b) Whoever, being a former officer of the Armed Forces of the United States, within one year after his service (including any service in a retired status) has ceased, knowingly represents, aids, or assists, or acts as an agent or attorney for, anyone in connection with any proceeding, contract, claim, controversy, sale, or other matter (1) to which the United States or the department administering the service in which he formerly served is a party, or in which the

United States or that department is directly or indirectly interested, and which relates to any activity of that department, or (2) with regard to which he had any direct responsibility while serving in an active duty status in that service, shall be fined not more than $10,000 or imprisoned not more than one year, or both."

(b) The chapter analysis of chapter 15 of title 18, United States Code, is amended by inserting therein, immediately after the item relating to section 281, the following new item:

"281A. Disqualification of retired officers of the Armed Forces."

SEC. 3. (a) Title 10 of the United States Code is amended by—

(1) inserting therein, at the end of chapter 349 thereof, the following new section:

"§ 3640. Pay: retired Regular officers; withheld while employed by certain contractors.

"If a retired officer of the Regular Army is engaged for himself or others in selling, or contracting or negotiating to sell, military supplies, services, or war materials to the Department of the Army, he is not entitled to any payment from the United States while he is so engaged.";

(2) inserting in section 6112(b) of chapter 559 thereof, immediately after the word "supplies", a comma and the word "services";

(3) inserting therein, at the end of chapter 849 thereof, the following new section:

"§ 8640. Pay: retired Regular officers; withheld while employed by certain contractors.

"If a retired officer of the Regular Air Force is engaged for himself or others in selling, or contracting or negotiating to sell, military supplies, services, or war materials to the Department of the Air Force, he is not entitled to any payment from the United States while he is so engaged."; and

(4) inserting therein, at the end of chapter 137 thereof, the following new section:

"§ 2315. Ineligible contractors.

"No purchase of or contract for the purchase of property or services covered by this chapter may be made with any person, firm, corporation, concern, or other party who has employed any retired officer of the Armed Forces of the United States within two years after his retirement, or any former officer of the Armed Forces of the United States within one year after his service (including any service in retired status) has ceased, while such retired or former officer knowingly represents, aids, or assists, or acts as an agent or attorney for, such person, firm, corporation, concern, or other party, in connection with (1) the sale of anything to the Government through the department in whose service such retired or former officer holds a retired status or served, or (2) any proceeding, contract, claim, controversy, or other matter in which the United States or that department is a party, or in which the United States or that department is directly or indirectly interested, and which relates to any activity of that department, except that this provision shall not apply with respect to the employment of any retired or former officer which has commenced before the effective date of this section."

(b) The analysis of chapter 349, title 10, United States Code, is amended by adding at the end thereof the following new item:

"3640. Pay: retired Regular officers; withheld while employed by certain contractors."

(c) The analysis of chapter 849, title 10, United States Code, is amended by adding at the end thereof the following new item:

"8640. Pay: retired Regular officers; withheld while employed by certain contractors."

(d) The analysis of chapter 137, title 10, United States Code, is amended by adding at the end thereof the following new item:

"2315. Ineligible contractors."

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. MCCARTHY:

Interview with Senator HUMPHREY by Courtney Sheldon, published in the Christian Science Monitor of June 10, 1959.

NOTICE OF HEARINGS ON PROPOSED PASSPORT LEGISLATION BEFORE THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, I announce that the Committee on Foreign Relations will hold public hearings beginning on Monday, July 13, 1959, at 10 a.m., in room 4221, New Senate Office Building, on passport legislation. The following bills are pending before the committee:

First. S. 806, Mr. HUMPHREY, for himself, Mr. ANDERSON, Mr. CHAVEZ, Mr. HENNINGS, Mr. MORSE, Mr. NEUBERGER, and Mr. SYMINGTON, January 29, 1959, to protect the travel rights of persons owing allegiance to the United States and to govern the issuance of passports.

Second. S. 1973, Mr. JAVITS, May 19, 1959, to extend the validity of the passport to 3 years.

In addition to these bills, I expect that the committee will shortly have before it a revised version of my bill, S. 2770, of the 85th Congress—previously introduced on August 13, 1957.

It is possible also that the administration will see fit to present to the Congress a bill on the subject of passports. In the 85th Congress S. 4110, an administration bill, was introduced by request on July 8, 1958, and hearings were held by the committee but action was not completed.

The committee will take such time as may be necessary to hear all those who wish to be heard on these bills. I should think the hearings would last for several days. Depending upon the number of witnesses who ask to testify, the committee reserves the right to limit the time available for oral presentations, but written statements of reasonable length will be received for the record.

RETIREMENT OF CAPT. WILLIAM C. BATY, JR.

Mr. MANSFIELD. Mr. President, we have all known, either personally or by reputation, individuals who have served their country and their fellow men in such a completely unselfish and devoted fashion as to be an inspiration to all with whom they come in contact. Too often, I believe, in the course of our pressing duties, these persons pass from active service to their country without a public acknowledgment of their devoted service.

I know of one such officer who is about to retire on June 30 from the Navy after 30 years of service. He is well known throughout the naval service, and especially among the marines, with whom he has spent 21 of his 30 years of service. Capt. William C. Baty, Jr., is a Navy medical officer who represents the finest traditions of both the Navy and the service which he adopted so early in his career, the Marine Corps.

Captain Baty is completing his last tour of duty prior to retirement as Staff Medical Officer, Headquarters, Marine Corps, and as Director of Marine Corps Medicine. He will be advanced to the rank of rear admiral on retirement because he has been twice commended for heroism in combat while serving with the Marines.

Bill Baty's career has been characterized by a selfless devotion to his calling, a hearty and willing participation in all the affairs of his services and his community, and an energetic interest in all of the problems of any command in which he served. He has been with the Marines so long that some marines have come to believe that Bill is actually a Marine officer who transferred from the Navy's Medical Corps.

His wide interests appeared early in his career as a student at the University of Alabama, where he found time to play varsity football for 4 years, belong to Jasons Arch, Black Friars, and Phi Gamma Delta, while pursuing the demanding premedical course in such a manner as to secure admission to the School of Medicine at George Washington University.

His service in the Navy included duty at sea, in various service medical schools, and 21 years of duty with the Marine Corps. He is recognized as a dedicated and able physician and surgeon. Over the long period of his service with the Marines, he has made great and lasting contributions to field medicine in amphibious warfare. With good reason, Dr. Baty is widely recognized as one of the world's foremost authorities in the medical aspects of amphibious warfare.

He will be long remembered in the Marine Corps and the Navy for his outstanding service in combat at Roi-Namur, Saipan, and Tinian. In these bitter battles, Dr. Baty's untiring and selfless efforts to provide prompt treatment and evacuation of the wounded won the deep admiration and high respect of the marines, who are not easily impressed by expected courage in combat.

Captain Baty richly deserves the Navy's traditional "Well done" from us all as he terminates a career that will always be an inspiration to all who know him, either personally or by reputation.

PRESERVATION OF THE WILDERNESS

Mr. MURRAY. Mr. President, for the past 3 years we have been considering and refining a bill to establish a wilderness system in the United States. It will be composed of Federal lands under the care of the Forest Service and the Interior Department agencies. The lands are to be maintained in their natural

primeval state for the benefit of living generations and generations to come.

The Great Falls Tribune on June 16 carried an excellent guest editorial on the subject, written by Forrest H. Anderson, attorney general of Montana. As Mr. Anderson points out, the fishing streams have become barren, rivers have become muddy, and wild areas denuded as the result of population pressures. He points out that in Montana tourists are our third biggest crop—or industry—bringing $92 million to the State in 1957. Mr. Anderson argues that wilderness preservation is not only good conservation but good business, too. I ask unanimous consent to have Attorney General Anderson's splendid guest editorial printed in the CONGRESSIONAL RECORD.

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

PRESERVING WILDERNESS IS VITAL TO MONTANA

For the past 30 years I have watched with growing concern the destruction of one of this State's greatest assets, our wilderness and wildlife resources. In a single generation, vast areas of primeval forest land have yielded to the seemingly inexorable forces of civilization. Streams that teemed with the world's best fishing have become barren tributaries of equally barren lakes and muddy rivers. Wild-fowl and big game that abounded in natural preserves a few decades ago are rarely seen today on denuded slopes and in overhunted thickets.

All this has happened with a relatively small increase in population. It has been caused by the proliferation of access roads, the improvement of transportation, and the ever-mounting demand for the products of our fields, forests, and streams. In the immediate and foreseeable future these inroads on our wilderness preserves will be multiplied many times by a rapidly increasing population.

The primeval environment of our wilderness areas must be saved for the recreation, physical well-being, education, and perpetuation of our most important resource: our people. These areas provide an indispensable release valve for pressures created by population intensification. Montana has a peculiarly large stake in wilderness preservation. We have the finest wilderness areas in the nation, with the possible exception of those in Alaska. These areas cover only about four percent of the State's land area but, acting as a tourist magnet, they support our third largest industry, and in 1957 they brought $92 million into the State.

A proposed national wilderness preservation act is now before Congress (Senate bill 1123). It is cosponsored by Senators MURRAY and MANSFIELD and aims to establish the preservation of wilderness in certain areas as a national policy. The bill has been carefully drawn by western Senators to avoid any infringement of rights now held by stockgrowers, irrigators, lumbermen, and miners. It comprehends multiple practical functions for wilderness areas, as well as recreational, scenic, scientific, educational, conservation, and historical purposes.

No country has used up its natural resources so recklessly, wantonly, and profligately as has the United States. One of our greatest remaining natural resources, our wilderness areas, is in imminent danger of destruction. We must act quickly and surely to save this irreplaceable heritage before the fast-fleeting opportunity is gone.

FORREST H. ANDERSON,
Attorney General.

HELENA.

NATIONAL DEFENSE SHOULD COME FIRST

Mr. MURRAY. Mr. President, Montana is honored this year by the fact that John W. Mahan, an attorney from Helena, is commander in chief of the Veterans of Foreign Wars.

Mr. Mahan is an articulate and effective champion of legislation and appropriations endorsed by the organization which he heads. In his capacity as commander in chief of the VFW, Mr. Mahan has testified eloquently as to the needs of this country's Military Establishment.

Recently he authored a guest editorial for the Great Falls Tribune. I ask unanimous consent to have the editorial entitled "Our National Defense Should Come First," printed in the RECORD, and I commend it to all Members of the Congress.

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

OUR NATIONAL DEFENSE SHOULD COME FIRST

The most vital, single problem facing the United States today is national defense—national survival. The security of our country should be the first concern of all Americans. Without adequate security, all other American values, including representative government, individual freedom, social benefits and economic resources, would be jeopardized. As a citizen and as a taxpayer, I think we should insist upon intelligent economy in Government; but, I oppose pinchpenny economy at the expense of the security of the United States.

Today, the problems of national defense seem to revolve around a struggle between the individual services as opposed to the Defense Department. Senate Majority Leader LYNDON JOHNSON revealed on March 14 that all of the Joint Chiefs had testified that they would prefer more strength than the administration had allowed them. Gen. Thomas Power, Commander of the Strategic Air Command—the free world's major deterrent and retaliatory force has testified that Congress will be "risking the whole country" if it does not vote more money for Atlas ICBM's and atomic bombers than the President has asked for. The U.S. Navy is not in an acceptable state of readiness and drastic action is needed to "reverse the mounting deterioration now in progress" according to a survey of U.S. Navy fleet capabilities made by a civilian team. Testimony released by the House Defense Appropriations Subcommittee brought out the fact that Gen. Maxwell Taylor and Adm. Arleigh Burke both felt this country needed more limited-war strength.

Despite the testimony of these men, charged with defending our country's ramparts, the administration, through the Defense Department, continues to cut our military forces. It is interesting to note that the 85th Congress appropriated enough money to support an Army of 900,000 and a Marine Corps of 200,000. Despite the fact that the funds were available, the Defense Department saw fit to continue cuts within both of these necessary defense groups.

The question all Americans should be asking today is: "Why the great difference of opinion between the men charged with the responsibility of maintaining the respective branches of the Armed Forces and the Defense Department?" It seems to me that the Defense Department has become more concerned with dollars than with defense. This is false economy and endangers the life of every citizen. Today, we must maintain the most powerful Military Establishment in the world or be guilty of ultimately risking national suicide.

JOHN W. MAHAN,
Commander in Chief,
Veterans of Foreign Wars.

HELENA.

ENCROACHMENT OF FEDERAL GOVERNMENT INTO JURISDICTION OF THE STATES

Mr. BEALL. Mr. President, some time ago, Walter C. Capper, a noted jurist and lawyer of Cumberland, Md., wrote a book entitled "The New Nationalism," which has been printed by the Daily Record Co., of Baltimore, Md.

In recent months, we have heard a great deal of discussion on the Senate floor regarding the continual encroachments being made by the Federal Government into areas long believed to be within sole jurisdiction of the States.

In the introduction to "The New Nationalism," Judge Capper states:

There is no doubt that a strong feeling exists among the people generally to the effect that they have in recent years been deprived of many liberties. They do not understand at all why and in what manner their birthright has been emasculated.

Judge Capper's purpose is "to trace the source and extinction of these lost prerogatives."

No doubt, some of my colleagues will disagree with the conclusions of this book. Others will view the book as a worthy contribution to the field of States rights.

Whatever the reaction, however, I recommend a reading of this thought-provoking treatise to all my colleagues.

CREDIT UNION DAY

Mr. CAPEHART. Mr. President, Friday, June 26, has been set aside as Credit Union Day in Congress.

I want to take this opportunity to salute the Federal Credit Union.

Organized in 1934 under an act of Congress, it now has 16,000 credit unions in the United States whose 8,200,000 members have accumulated $2,800 million. Nearly half the active credit unions in the United States are operating under Federal charter.

Members save through the organization for a rainy day and they are permitted to borrow up to $400 on an unsecured note. The credit union is more than a financial institution. It is also a social agency, a personal experience in group action designed to better the community, and an experiment that demonstrates the effectiveness of mutual aid as a social concept.

I extend my felicitations as it goes into its 26th year and continues to prosper.

TRIBUTE TO SENATOR MURRAY—RESOLUTION BY LEGISLATURE OF VIRGIN ISLANDS

Mr. GRUENING. Mr. President, the distinguished and able senior Senator from Montana has given much of him-

self on behalf of the people of the United States. Through the years he has worked tirelessly on their behalf, most often quietly, persistently and effectively, without seeking for himself the limelight of publicity.

It is well, therefore, that those efforts be, from time to time, rewarded by public expressions of praise and public acknowledgment of the debt which the people of this Nation owe to him for his labors on their behalf.

Such public acknowledgment was recently given to our highly esteemed colleague by the Legislature of the Virgin Islands. Bill No. 952 of the Third Legislature of the Virgin Islands gives public recognition to the efforts of the senior Senator from Montana, Mr. MURRAY, to give concrete expression to our fundamental belief in American democratic principles and ideals. I am pleased, therefore, to ask unanimous consent to have printed in the RECORD a certified copy of bill No. 952 of the Third Legislature of the Virgin Islands which expresses its appreciation of our gratitude to Senator JAMES E. MURRAY.

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

BILL 952

Resolution in appreciation of the efforts of Senator JAMES E. MURRAY in behalf of the people of the Virgin Islands, and for other purposes

Whereas the U.S. Senator JAMES MURRAY, of Montana, chairman of the U.S. Senate Committee on Interior, has introduced a bill in the Senate of the United States in which he proposes the creation of an elective office of Resident Commissioner for the Virgin Islands to represent these islands in the Congress of the United States; and

Whereas this action on the part of the Honorable JAMES MURRAY, U.S. Senator from Montana, signifies faith in the people of the Virgin Islands and their ability to select a man from among their number to represent them in the Nation's Capital; and

Whereas this faith in the people is in keeping with the ideals under which this government was conceived; and

Whereas we are in a time of world tension when the whole concept of government by a free people is questioned by Godless communism; and

Whereas this courageous action by a recognized leader in the Congress of the United States illustrates a faith in the ordinary citizen of the United States whether he lives in urban New York or Chicago or in the warm reaches of the Caribbean; and

Whereas this action gives the people of the Virgin Islands recognition as first-class citizens of the United States even though they are separated by countless leagues of ocean from the seat of the U.S. Government: Now, therefore, be it

Resolved by the Legislature of the Virgin Islands, That the people of the Virgin Islands—U.S. citizens all—do, through their legally elected representatives in the Legislature of the Virgin Islands, warmly congratulate the senior Senator from Montana in the Congress of the United States for this courageous action; and be it further

Resolved, That this legislature go on record as petitioning the respective bodies of the Congress of the U.S. House of Representatives to endorse this bill proposed by Senator MURRAY as an example of courage for the free world and pass upon it forthrightly and make it law.

Thus passed by the Legislature of the Virgin Islands on May 29, 1959.

Witness our hands and the seal of the Legislature of the Virgin Islands this 1st day of June A.D. 1959.

WALTER I. M. HODGE,
President.
JOHN L. MADURO,
Legislative Secretary.

UNIFORMITY OF TREATMENT OF PRIVATELY OWNED PROPERTY

Mr. JOHNSTON of South Carolina. Mr. President, Mr. Edward Tomlinson is one of the country's most authoritative writers on South American affairs. In a syndicated article which he wrote, which appeared in the Washington Daily News of Monday, June 22, 1959, he discussed the grave concern of our Government and of private investors over the threats of nationalization, expropriation, and confiscation of American properties in Cuba, Brazil, and other countries to the south of us.

This is the same subject which the Senate and the House are now dealing with, through committees, by means of bills relating to the vested assets problems.

At this time, I merely wish to call the attention of the Senate to the timely and important fact that we cannot insist that other peoples and other governments treat property privately owned by Americans according to a rule we establish for them, if we fail to follow the same rule for the vested German and Japanese assets. Property, privately owned, should be sacred and inviolable. The rule to maintain the integrity of such property must be applied uniformly by us, if we expect it to be observed by others.

I ask unanimous consent that Mr. Tomlinson's article be printed in the body of the RECORD, following this brief statement.

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

STORM OF PROTESTS ARISING: UNITED STATES CONCERNED BY LATINS' CONFISCATION OF PROPERTIES

(By Edward Tomlinson)

There is grave concern among the highest officials here as well as among private investors throughout the country, over the fate of more than $8 billion worth of American-owned properties in Latin America.

Egged on by flaming nationalist politicians, leftist intellectuals and labor leaders, not to mention Communist propagandists and agitators, some of the most advanced of our sister republics are expropriating lands and business firms owned by U.S. citizens, or threatening to do so.

CRY FOR HELP

Worst of all, this new onslaught on private North American investments comes at the very time when all the countries are crying for economic and financial help, also at a time when Uncle Sam, the Government of this country, has shown a greater willingness to extend it than in many a year.

The new Cuban revolution land reform, which requires every American and other foreigner to divest himself of every foot of sugarcane and other agricultural land he owns, is not the only confiscatory action the Castro regime has taken against our people.

Cuban authorities had already occupied the giant American & Foreign Power Plant in Havana and intervened the U.S.-owned telephone company. Last week the Cuban armed forces occupied the big real estate holdings on the Isle of Pines belonging to Miami real estate developer, Arthur Vining Davis and others, who were in the process of spending millions for improvements.

BRAZIL SETUP

In Brazil, our oldest friend on the South American Continent, the state government of Rio Grande do Sul, has grabbed the big American & Foreign Power Plants in Porto Allegre and other cities. Now the Brazilian Congress has appointed a committee to investigate and ascertain the value of all other public utilities in the nation, in event of expropriation.

In spite of the tremendous inflow of new U.S. capital in the last few years, Mexico is still carrying out expropriation proceedings against the few U.S. landholdings south of the border. Just a few weeks ago it finally took over the 400,000-acre Greene cattle ranch in the State of Sonora and agreed to pay about $4 an acre for it.

ATTACKS

Although the governments of several of the countries, such as Argentina, Peru, Chile, and others, have recently taken steps to liberalize their laws so as to induce more U.S. private capital to come in, they are under withering attacks from the extremists for doing so.

The fanatical Peronista and Communist dominated labor unions of Argentina are desperately trying to overthrow the government of President Arturo Frondizi for what they call selling out to the imperialist oil exploiters of Wall Street.

The worst thing about all this is the tendency of many of these governments to confiscate without adequate payment, even when they deign to pay at all. The Governor of Rio Grande do Sul doesn't think the power company in his state should be paid for its plants because it made profits from them in the past.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1960

Mr. JOHNSON of Texas. Mr. President, has the morning hour been concluded?

The VICE PRESIDENT. The morning hour is not concluded.

Is there further morning business? If not, morning business is closed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 420, House bill 6769.

The VICE PRESIDENT. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 6769) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRUENING in the chair). Without objection, it is so ordered.

DISPOSAL OF CERTAIN OBSOLETE FEDERAL LOCKS AND DAMS—INCREASE IN AUTHORIZATION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 402, Senate bill 1356.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1356) to amend the act authorizing the disposal of certain obsolete Federal locks and dams in order to increase a certain authorization in such act relating to dam No. 3 on the Big Sandy River, Ky.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. JOHNSON of Texas. Mr. President, there is on the Calendar Order No. 403, House bill 5515, a companion bill. I ask unanimous consent for the present consideration of the House bill in lieu of the Senate bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 5515) to amend the 1956 act authorizing the disposal of certain obsolete locks and dams on the Big Sandy River, Ky.-W. Va., for the purpose of increasing the authorization relating to dam No. 3 on the Big Sandy River, Ky.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1356 is indefinitely postponed.

Mr. JOHNSON of Texas. Mr. President, I ask permission to insert in the RECORD a brief statement concerning the purpose of the bill; and I ask that the Senator from West Virginia [Mr. BYRD] may have a like privilege.

There being no objection, the statement submitted by Mr. JOHNSON of Texas was ordered to be printed in the RECORD, as follows:

The purpose of the bill is to amend section 2 of Public Law 996, 84th Congress (70 Stat. 1062) to increase the authorization for expenditure of Federal funds from $50,000 to $100,000 for modification of the lock and restoration of the dam at lock and dam No. 3, on the Big Sandy River, Ky.

GENERAL STATEMENT

Public Law 996 authorized the abandonment of 28 obsolescent locks and low-head navigation dams on eight streams which are no longer being maintained and operated by the United States, and to dispose of the federally owned property at those sites by conveyance to States, political subdivisions thereof, or others, and authorized the expenditure of such funds as might be necessary to prepare the structures for abandonment.

The canalized waterway on Big Sandy River consisted of five locks and dams, with an aggregate area of 88 acres owned by the Federal Government, and used in connection therewith. Section 2 of the act provided that in lieu of preparing the lock and dam No. 3, on the Big Sandy River for abandonment, funds be expended for modification of the lock and restoration of the dam, either as a movable or fixed-type dam, not to exceed $50,000, contingent upon local interests furnishing such additional funds as may be necessary and agreeing to accept the property and take over operation and maintenance of the structure.

Lock and dam No. 3 is located on the Big Sandy River at mile 26.2 at Louisa, Ky. It is a movable wicket-type dam about 18 feet high with a lock 52 feet by 158 feet. It was completed in 1897. The wickets have been down and the dam has been unattended since January 5, 1947. The U.S. property consists of 15.45 acres. When its operation and maintenance was discontinued, the pool formed by this movable dam was no longer maintained. As a result, the water supply for the city of Louisa, county seat of Lawrence County, Ky., and surrounding area, is extremely restricted, particularly during the summer months. This lack of an adequate water supply has sharply curtailed existing industrial activities, and hampered the commercial growth and expansion of this community, which is in an economically distressed area.

The citizens of Fort Gay, W. Va., and Louisa, Ky., are desirous of restoring the dam to create a reservoir to serve for water supply and recreational purposes. The estimated cost of restoration of this dam at the time Public Law 996 was enacted was $50,000. The cost of such modification and restoration is presently estimated at $90,000, the actual cost being dependent on the contract bid price. A pending agreement between the United States and the cities of Fort Gay, W. Va., and Louisa, Ky., and the counties of Wayne, W. Va., and Lawrence, Ky., provides for acceptance of the restored structure and maintenance thereof by the cities and counties for water supply and recreation.

DISCUSSION

This legislation is similar to Public Law 294, 85th Congress (71 Stat. 616), which authorized the expenditure of not to exceed $112,500 for similar work on lock and dam No. 3 on the Little Kanawha River in West Virginia, and subject to similar conditions of local participation. The cost of restoring these structures for water supply and recreation exceeds the statutory limit by $4,355, which has been contributed by the State of West Virginia.

The committee realizes that commercial navigation on the Big Sandy River has ceased, and that the benefits which would result from reconstruction of lock and dam No. 3 would be principally from water supply and recreational use of the pool. Such benefits would be widespread and accrue to a large area. The estimated costs to restore the dam are not considered excessive, due to the increase in construction costs since the original estimate was prepared. The committee agrees to the limitation of $100,000 for such restoration, with the protection afforded by the existing law which provides that local interests will provide any additional funds necessary and to agree to accept the property and assume operation and maintenance of said structure after reconstruction.

The committee notes that the Department of the Army, which has jurisdiction over this property, has no objection to enactment of this legislation. The Bureau of the Budget, however, does not recommend its enactment on the basis that the benefits from the restoration, municipal water supply and recreation, appear to be local in character, and that the costs in excess of the $50,000 authorized by existing law should be the responsibility of local interests.

The committee believes that as long as these abandoned properties remain in Federal ownership, the Federal Government has a certain degree of responsibility in connection therewith. Location of certain improvements in this area are premised on an adequate water supply from the pool formed by this dam. Precedent has been established by previous legislation relative to similar cases, and for reimbursement for damages caused to a State fish hatchery when a similar abandoned dam failed.

It is the opinion of the committee that the proposed increased authorization is warranted, that the legislation would be in the public interest, and accordingly its enactment is recommended.

The statement submitted by Mr. BYRD of West Virginia is as follows:

STATEMENT BY SENATOR BYRD OF WEST VIRGINIA

In 1956, when the act authorizing the disposal of certain obsolete locks and dams on the Big Sandy River, which constitutes the border between Kentucky and West Virginia, was passed, it was recognized that the towns of Louisa, Ky., and Fort Gay, W. Va., depend on the pool formed by dam No. 3 for their water supply. Former Senator Clements, of Kentucky, being well acquainted with this situation, after consultation with the Army Engineers, included a provision in the act, authorizing the repair of this dam at a cost not to exceed $50,000. The Army Engineers assured Congress that this amount would be adequate, but information developed since that time shows that approximately $100,000 would be required.

While the principal reason for restoring this dam is to provide constant water supply for the communities on both the Kentucky and West Virginia sides of the river, the historical significance of this, the first spindle type dam in America, is sufficient to justify its preservation. This fact was recognized at the time Senator Clements and Congressman Burnside of West Virginia worked so tirelessly to preserve this historical structure and at the same time maintain an adequate source of water supply for the communities along the border of these two great States. S. 1356, cosponsored by the two Kentucky Senators and by Senator RANDOLPH and me, amends the original act so as to authorize the expenditure of $90,000, but not to exceed $100,000.

I would be derelict in my duty if I failed to carry on and complete this essential project which is the result of the cooperative efforts of the delegations from West Virginia and Kentucky. I urge this body to approve H.R. 5515 authorizing the expenditure of $90,000, but in no case in excess of $100,000 to repair dam No. 3 on the Big Sandy.

Mr. DIRKSEN. Mr. President, I am sure that at this point in the RECORD the distinguished Senator from Kentucky [Mr. COOPER], who is momentarily engaged before the Committee on Labor and Public Welfare, would wish to make a statement. I ask unanimous consent that permission be granted to insert such a statement at this point in the RECORD.

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

STATEMENT OF SENATOR COOPER

I urged passage today of H.R. 5515. It is identical with S. 1356 which I introduced in the Senate on March 10—my colleague, Senator MORTON, and Senators RANDOLPH, and BYRD of West Virginia, joining as cosponsors.

The bill authorizes the Corps of Engineers to repair and restore lock and dam No. 3 on the Big Sandy River adjacent to Louisa, Ky., and Fort Gay, W. Va.

These communities will provide necessary rights of way and easements, and will maintain the restored dam. The dam will be of immense benefit to the two cities in providing a necessary water supply. It will also provide recreational benefits.

With the construction of reservoirs upstream on the tributaries of the Big Sandy, the flow of water at Louisa and Fort Gay will be diminished in dry seasons, and the restoration of dam No. 3 is needed now to preserve a continuous water supply for these two cities.

In 1956 the Congress authorized $50,000 for restoration of this dam. That authorization was based on a "horseback estimate" by the Corps of Engineers, made without studies on the ground. Later, the Corps of Engineers made complete studies and found that at least $90,000 and perhaps $100,000, depending on materials cost, would be needed to do the work previously authorized by the Congress. The bill we passed today will bring the authorization into line with the Corps of Engineers' finding.

I can speak of this matter with personal knowledge, for last fall, after visiting the site, I accompanied officials and interested citizens of Louisa and Lawrence County, Ky., and of Fort Gay, W. Va., to the district engineer's office at Huntington, W. Va. There we discussed the matter fully, and the district engineer explained that this sum of $90,000 to $100,000 at the minimum would be required for a safe plan of restoration.

As a result of these discussions, I introduced S. 1356 with my cosponsors, and H.R. 5515 was introduced in the House. S. 1356 was unanimously approved by our Committee on Public Works, of which I am a member. Since the House has passed its bill, the approval of the bill today will complete action by the Congress.

The people of Louisa and Lawrence Counties, Ky., and Fort Gay, W. Va., are entitled to the passage of this bill. They have agreed to do their part of the job. I am glad that the Senate has given its approval of this project.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

INCREASE IN AUTOMOBILE LOAN RATES

Mr. JOHNSON of Texas. Mr. President, I should like to read an Associated Press dispatch from the Washington Evening Star of June 22, 1959:

AUTO LOAN RATES LIFTED TO 5 PERCENT

NEW YORK, June 22.—The cost of buying automobiles on time moved upward today when a number of leading sales finance companies increased interest rates charged auto dealers from 4½ to 5 percent.

These are loans to dealers to finance inventories. Many dealers pass on these higher costs in the form of increased prices to car buyers, if competitive conditions permit.

The increases were reported by C.I.T. Financial Corp., Commercial Credit Co., and Associates Investment Co. The rise restored rates to a level in effect early in 1958. The 4½-percent rate was charged since April of that year.

The biggest sales finance firm, General Motors Acceptance Corp., made no change in the 4½-percent rate. GMAC is a subsidiary of General Motors Corp. Generally it has charged dealers one-half point less than rates of the so-called independent finance firms. GMAC waited until February before hiking its dealer finance rate to the then prevailing 4½-percent rate.

TREATMENT OF JAMES C. HAGERTY AT WALTER REED HOSPITAL

Mr. DIRKSEN. Mr. President, on page 11550 of the RECORD for June 23 appears a portion of a statement made by the distinguished Senator from Ohio [Mr. YOUNG]. He was commenting on three items which came over the news ticker. The following comments relate to the third of the three items:

The third item which also attracted my attention, seems to me to indicate that Mr. Hagerty, the President's press secretary, is in a fortunate situation, as compared to that of many hundreds of administrative assistants, secretaries, and press assistants in various Government departments and various other branches of the Government, in that at this time Mr. Hagerty is being attended in Walter Reed Hospital, where he has been operated on by an Army surgeon, and is now housed there, all at no expense to himself.

Mr. President, we ought to be a little more careful about letting certain implications go out to the country; and implications are raised by the use of such words as "it is indicated" and "it appears." I checked the matter. Mr. Hagerty went to Walter Reed Hospital as all other nonmilitary persons go to the hospital, at a cost to himself of $21 a day. I feel that in all fairness to Mr. Hagerty, that correction should be made.

Mr. YOUNG of Ohio. Mr. President, the facts are that the Secretary of the Army very likely consented to authorize the admission to Walter Reed Hospital, an Army hospital, of the President's secretary, Mr. Hagerty. At the same time it is a fact that my own secretary, Mrs. Robinson, is ill and under the care of a doctor. I am wondering if the Secretary of the Army, were I to ask him to certify her to the Walter Reed Hospital, would certify her. I doubt it. Anyway I would not ask him to do so. Walter Reed is an Army hospital.

The surgeon there no doubt is an eminent surgeon. There are a number of surgeons in private practice and in private hospitals. The surgeon in Walter Reed operated on James Hagerty without any fee whatever. So Mr. Hagerty, I do say, is the recipient of socialized medicine in a preferential degree.

It may be true that a nominal payment of $21 a day for room and board is payable by him, and would be payable by any Cabinet officer or any other presidential aid or assistant secretary, but it is well known that in addition to a charge for room and board, hospitals make tremendous charges—and must necessarily do so—for X-rays and for various tests; and other services. Therefore what the Senator from Ohio had to say on the floor of the Senate yesterday in regard to preferential socialized medicine is absolutely pertinent and correct in the present situation.

I assert as a Senator from Ohio it does not seem to me that it is proper for a secretary to an executive or for a secretary to an administrative officer, to receive treatment which is practically free, even though a nominal charge of $21 for room and board is made to the patient. We cannot get away from the fact that Walter Reed Hospital is a hospital for servicemen and servicewomen of our Armed Forces; and that Mr. Hagerty was admitted, presumably, by virtue of a law giving the Secretary of the Army the right to designate persons for hospitalization.

It was the intent of Congress to afford treatment for diplomatic officials and other high-ranking personnel of foreign nations. That is entirely different from making the services available to one of the President's secretaries, or to a secretary to a Cabinet officer, or to a secretary to some other person high in authority in Washington, or to a secretary to a Member of Congress. It seems to me that I performed a real and needful public service in calling attention to the fact that James Hagerty, a civilian with no record of war service, so far as I know, was admitted to the hospital and is occupying a bed, which might perhaps be needed.

I hope there will not be other similar instances, and I hope it will not be necessary for other Members of Congress to call attention to matters of this sort, because if this were permitted to go on, why would it not be extraordinary for a secretary or an administrative assistant, not only of a Member of Congress, but also for the head of an agency or a secretary or administrative assistant in some bureau, to receive the same preferential treatment? I am certain, however, that other Government secretaries, including congressional secretaries, do not receive this preferential treatment.

Personally, as a Senator from Ohio, I maintain that it would be far better and more prudent if we were to safeguard and watch expenditures of taxpayers' money even in the smallest particular, and to make sure that there is no favoritism. As a member of what has been called the party of spenders, I wish to raise my voice in protest against the fact that a high-ranking surgeon of our Armed Forces contributed his time and skill gratis to operate upon a civilian employee of the President. I hope that this sort of policy and program, which I appropriately term "preferential socialized medicine," will not be followed any more.

Mr. DIRKSEN. I wish merely to reemphasize what I said. The language in the statement made by the Senator from Ohio is this: "And is now housed there, all at no expense to himself." I do not care about all the discussion concerning socialized medicine and how a

person serves the cause of economy. When I hear such remarks I sometimes think of the little calf which got caught on a railroad track. When the engineer stopped the train, the farmer who owned the calf said to the engineer, "Give your whistle a little toot, and the calf will get off the track."

The engineer tooted the whistle. The calf bounded away and fell down an embankment and broke its neck.

The farmer remonstrated with the engineer, who said, "I did what you told me to do."

The farmer said, "You did not have to give such a big toot for such a little calf." [Laughter.]

I do not want to hear any big toots about a little calf. Here is language, and I understand it. It is an injustice to Mr. Hagerty.

Mr. President, I yield the floor.

WELCOME NAVY WEEKS IN WISCONSIN

Mr. WILEY. Mr. President, on Friday, June 26, the formal dedication of the St. Lawrence Seaway will mark the most significant inland waterway development project on the North American Continent in history.

In recognition of its importance, President Eisenhower, Queen Elizabeth, and other dignitaries and officials of the United States and Canada will be participating in the ceremonies.

The event heralds the beginning of a new economic era for the fertile and productive upper Midwest, including my home State of Wisconsin.

The Seaway, too, is extremely important in terms of defense.

During the construction of the project, the close cooperation of the United States and Canada has represented a unique effort by two nations working shoulder to shoulder in serving their mutual interests.

Currently, communities around the Great Lakes have plans under way for participating to a maximum degree in the festivities accompanying the formal dedication.

In Wisconsin, for example, our port cities—which, over the years have shown real enthusiasm in carrying on development projects in anticipation of the Seaway—are now planning to have celebrations in recognition of the importance of the Seaway to their particular communities.

We are aware, of course, that in conjunction with the Seaway celebration a naval seaway armada will be sailing into the Great Lakes and stopping at various ports along the 8,000 miles of America's fourth seacoast.

In Wisconsin, ships of the fleet are scheduled to dock at a number of ports during the festivities. Unfortunately, there are a great many deserving communities which, regrettably, will not be included in the naval visits.

However, to spread the welcome mat for the service personnel aboard the fleet which will be docking at our harbors, Gov. Gaylord Nelson, of Wisconsin, has proclaimed July 2 to July 15 Welcome Navy Weeks. The purpose is to assure the extension of the warm, hospitable tradition in our Wisconsin communities to the sailors and marines serving aboard our naval ships.

Today, I received from Mr. Robert Matthes, port development specialist of the Wisconsin Division of Industrial and Port Development, a copy of a proclamation issued by Gov. Gaylord Nelson. As an illustration of one of the many ways in which forward-looking Wisconsin communities and the State itself are participating in the celebration in addition to their efforts to prepare to benefit from the Seaway—I ask unanimous consent to have the proclamation printed at this point in the RECORD.

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

Whereas the U.S. Navy, in order to celebrate the opening of the St. Lawrence Seaway, is sending into the Great Lakes a task force designated "Operation Inland Sea"; and

Whereas many vessels of this task force will be calling at several Wisconsin ports during the first part of July in order to provide the citizens of Wisconsin with the opportunity to visit and inspect warships of the United States:

Now, therefore, I, Gaylord A. Nelson, Governor of the State of Wisconsin, do hereby proclaim the weeks of July 2 to 15, 1959, as Welcome Navy Weeks in Wisconsin and do urge my fellow citizens to show every courtesy to all sailors and marines serving aboard these ships in order to show our appreciation for this visit.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Wisconsin to be affixed. Done at the capitol in the city of Madison this 18th day of June 1959.

GAYLORD A. NELSON,
Governor.

By the Governor.

ROBERT C. ZIMMERMAN,
Secretary of State.

THE POSTMASTER GENERAL'S WAR ON MUCK IN THE MAILS

Mr. KEATING. Mr. President, in recent months the Post Office Department, under the leadership of Postmaster General Arthur E. Summerfield, has mounted a great offensive against the mailing of obscene literature.

Alert fraternal, religious, and civic organizations have responded to Mr. Summerfield's call for assistance with vigorous campaigns on the local level to alert the people to what to do when muck arrives at their homes through the mails.

A key to the success of this drive is the response of employees of the postal service. The promptness with which postal people around the country are spreading the Postmaster General's appeal for public help is heartwarming and reassuring. It is typical of the magnificent manner in which these public servants over the years have answered the many demands of their country.

The June issue of Postal Service News, the Post Office Department publication for the information and interest of the postal service, contains important and interesting material on the great campaign against obscenity. As the News correctly points out "the Postmaster General has declared war—now it is our battle." I ask unanimous consent to have the article printed at this point in the RECORD.

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

WE HAVE DECLARED WAR ON MUCK IN THE MAILS

The Postmaster General has declared war on obscene material sent through the mails. Here is a battle all of us postal people can, and should, get into wholeheartedly—for our own sakes as dwellers in our communities which can become crime-ridden through pornography and sadism addicts; for the sake of our children who can be debauched by such filth; for our patrons' sake who depend upon us and our postal service to deliver their mail into their homes.

Ruthless mail-order merchants in filth are violating the homes of the Nation in defiance of the National Government. They are callously dumping into the hands of our children, through our home mail boxes, unordered lewd material, as well as samples soliciting the sale of even more objectionable pictures, slides, films, and related filth.

CONTRIBUTED TO DELINQUENCY

Unquestionably, these large defiant barons of obscenity are contributing to the alarming increase in juvenile delinquency, as many noted authorities have repeatedly and publicly observed.

Just how important is this mass of mailed muck to you and to me? To our children? Our community? Here is part of the testimony the Postmaster General and the Chief Postal Inspector gave before the House Post Office and Civil Service Subcommittee Investigating the Mailing of Obscene and Pornographic Material:

"It is my deep conviction—frequently expressed to individual Members of Congress, religious and educational leaders, newspaper editors, and citizens groups—that one of the most serious moral and social problems in the United States today is the multimillion dollar mail-order traffic in obscenity," said Postmaster General Arthur E. Summerfield. "In spite of the frustrations and the legal complications, and even the court decisions, I feel a responsibility to the public to attempt to prevent the use of the mails for indecent material, and to seek indictments and prosecutions for such offenses, even though there have been previous rulings favorable to the promoters. Only by this method can the dimensions of this problem become clearly established before the courts, the Congress, and the American public."

And here is one of the points Chief Inspector David Stephens made:

"The rapid increase in the sale of filth through the mails, and otherwise, seems to have developed far ahead of general public awareness of its scope. The volume today can be measured in tons. That juvenile delinquency stems in large part from the demoralizing influence of exposure to obscenity and pornography is well known to all law enforcement groups. Time after time in our investigations of armed robbery, extortion, embezzlement, and forgery, we learn that those responsible for such crimes were early collectors of obscene picture and films. Also, in the many vicious murder and sex crimes, it is often disclosed that criminals responsible were addicts to pornographic and sadist material."

VITAL STATISTICS

To get some idea of the magnitude of this beastly business, these statistics are offered:

Pornography peddlers net an estimated half-billion dollars a year.

Simultaneous raids on the New York headquarters of three dealers in pornography and

obscenity uncovered 15 tons of filthy films, slides, photos.

In fiscal 1958 postal inspectors investigated 4,000 separate cases, caused the arrest of 293 persons. The highest number of cases on record, this is a 45 percent increase over the year before—and 1959 is topping 1958.

More than 50,000 alarmed parents, parent-teacher associations, clergymen, school and newspaper officials, flood the Department with their complaints each year.

WHY MAIL OBSCENITY?

Since World War II commercialized pornography has reached alarming proportions in certain areas of the country. Why? Because—

1. Purveyors of pornography reap huge profits.

2. In some cities courts interpret obscenity so liberally that getting indictments is very difficult; punishment of those convicted consists of only small fines or light prison sentences—and they continue to operate while in jail through other people.

3. Muck merchants have plenty of money to hire high-priced, unscrupulous but clever legal talent, which has successfuly defended some of the largest dealers in dirt time after time in certain cities.

4. Court decisions which favor them in earlier investigations are cited as precedent by those brought to trial.

5. Frequently they can attack and ridicule the Postal Service, with the help of others who, confusing liberty with license, unwittingly assist them.

6. Well aware of the sanctity of sealed mail, they know they can rely on this security intended for lawful mailings.

7. They know they are safe unless the receiver of their mailings complains; and they know, too, that a percentage of addressees will accept it, while others will refrain from complaining because that would embarrass them.

8. In the particular cities which spawn pornography and where its interpretation is most liberal, very few public complaints are made even though raids prove that such wholesale mailings were delivered in these areas.

9. Their continued success and huge profits have served to build an increasing smugness and defiance on the part of obscenity dealers, who are quick to demand privileges and to scream "censorship" when the Post Office tries to stop their filth.

Mailing lists can be bought, stolen, pirated, or built from telephone and city directories, high school yearbooks, lists of people's names printed by newspapers, etc. One single list taken in a New York City raid contained the names of 100,000 customers and prospects.

Innocent advertisements can offer model airplanes or railroads for sale cheap, but if inserted by a baron of obscenity, the child who sends his dime or quarter for these is on the sucker list for the merchant's muck.

They send their salesmen to lurk, with samples, wherever youth congregates—schools, churches, Boy Scout halls, etc., even into suburban residential areas; and they solicit profit-seeking juvenile delinquents to do the same.

THE LAW

The Congress first enacted legislation making it a Federal offense to mail obscene matter on March 3, 1865. An expanded version of this basic law was embodied in the great Postal Reorganization and Codification Act of June 8, 1872.

The present obscenity statute, section 1461 of title 18, United States Code, provides penalties for the mailing of every obscene, lewd, lascivious, indecent, filthy, or vile article.

But, prior to last year, controlling decisions of the courts held that prosecutions under the pertinent statutes could be effected only in the district where the office of mailing was located.

For the past several years the Post Office Department strongly urged the enactment of legislation which would grant prosecutive venue at intermediate offices and offices of address, where the actual damage undoubtedly occurs. Such legislation in the form of an amendment to section 1461, title 18, United States Code, was passed by the 85th Congress and signed into law by President Eisenhower, August 28, 1958.

The present law permits people in a community where obscene material is received to evaluate it according to their own standards of morality and decency. Through the Post Office Department they now can refer the matter to the U.S. attorney in their own judicial district. It also permits fining second offenders up to $10,000 and imprisoning them for 10 years.

The Post Office Department is pressing the use of this new legislation to the fullest possible extent.

The Department is convinced that this new legislation provides an effective weapon against these dealers in filth who have heretofore operated with little interruption and with comparative security from certain large cities.

In addition to the new legislation, more vigorous use is being made of an earlier law permitting the Department to stop incoming mail to alleged purveyors (which stops the money coming in from his suckers). Also, the establishment of the new post of Judicial Officer enables the Department to process cases much faster than under the usual hearing examiner process which, with its delays and continuances, could run into months, during which the operators could make a killing before effective action could be taken. For further details see "Protecting Patrons From Fraud, Filth" in the January 1959 Postal Service News.

One of the basic reasons for the increasing volume of filth in the mails, in addition to the tremendous profits its purveyors realize, is the very broad definition of obscenity handed down by certain courts, notably in Los Angeles and New York where most of the mail-order business in pornography originates. Obtaining indictments against the mailers of muck in such cities is most difficult, and their effective prosecution is equally difficult if not impossible.

In interpreting the intent of Congress the courts stated in effect:

1. That obscenity must be evaluated in relation to contemporary community standards.

2. That nudity in itself is not obscenity.

3. That a publication is not obscene unless the general content is devoted to what may be termed obscenity.

STANDARDS DIFFER

Obviously, the contemporary community standards in New York City may be vastly different from those in the smaller, less blase, cities and towns in which so many of us live.

These liberal rulings in some cities have established, over a period of time, virtual sanctuaries in which dealers in obscenity have operated with impunity and in open defiance of the Post Office Department's best efforts to bar their use of the mails or bring them to justice.

However, the number and nature of the public complaints bear importantly on the decisions of prosecutors and courts, and the new amendment to the obscenity statute permitting such dealers to be brought to trial in the community where their mailings are delivered is having an important and beneficial effect.

This means that every one of us, no matter where we live, can help by watching our own mailboxes for such material and by alerting our neighbors and patrons to the problem and how they can help us solve it.

The "public" in the above paragraph includes everyone—you and me, our families and friends, our neighbors and associates in our communities. The Postmaster General has declared war—now it is our battle.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 6769), making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1960, and for other purposes.

Mr. HILL. Mr. President, H.R. 6769, the Labor-Health, Education, and Welfare appropriation bill as reported by the committee totals $4,056,746,581. This is an increase of $206,825,400 over the House allowance, and $365,061,000 over the budget estimates.

It should be pointed out, however, that the budget estimates in a number of instances were severe reductions in programs. The 1959 appropriation for grants for hospital construction under the Hill-Burton program was $186,200,000; the budget estimate for 1960 is $101,200,000, a reduction of $85 million. The 1959 appropriation for waste treatment works construction under the Water Pollution Control Act was $45 million; the budget estimate for 1960 is $20 million, a reduction of $25 million. The 1959 appropriation for grants for construction of health research facilities was $30 million; the budget estimate for 1960 is $20 million, a reduction of $10 million. The 1959 appropriation for aid to Federally affected school districts was sufficient to pay full entitlements; the budget estimate for 1960 is $44 million less than full entitlements. These four items just cited amount to $164 million and the committee's action remedies the false budget economy with which the Bureau of the Budget handled these programs.

The principal increases in the bill over the House allowances are for the National Institutes of Health, for which the committee has provided $136,325,000 over the House; and for grants for hospital construction for which the committee has provided $67,500,000 over the House to allow the full amount authorized—$211,200,000.

Other items of increase are $1,500,000 for grants for library services, to allow the full amount authorized, $7,500,000; $1,500,000 for the control of tuberculosis for grants to States for case finding activities; $1,050,000 for sanitary engineering activities for additional program on studying the effects of radiation by the establishment of sampling stations in each State.

On May 27, 1959, Dr. Isidor Ravdin, the world famous surgeon who was a consultant to President Eisenhower during his operation for ileitis and who was more recently a consultant in the tragic case of John Foster Dulles, testified before our Senate Appropriations Subcommittee on the need for more money for cancer research.

In calling for a much higher figure for cancer research than the administration had proposed, Dr. Ravdin told a story

which illustrates the fact that there is no ceiling to medical research and that it always rejects defeatism and stand-patism.

In the early 1920's, Dr. Ravdin told the committee, a distinguished pathologist came to the William Pepper Laboratories and had lunch with the late Dr. Alfred Stengel, one of America's great physicians and Dr. Ravdin's teacher.

Dr. Stengel asked the distinguished pathologist how his son Tom was doing. The pathologist replied, in a voice tinged with the greatest sorrow and bitterness: "I wish young Tom was dead. He has diabetes. He is 13 and isn't any bigger than a boy of 6. He can't possibly live and grow up."

Dr. Stengel looked at him and said: "Tom, you ought not to talk this way. The next month, the next year, or the year after, someone will come forth with a solution for diabetes."

The very next day the discovery of insulin was announced. This boy, young Tom, was the second patient treated in this country. He began to grow rapidly. Today he is married, has five children, and is himself a distinguished pathologist.

Dr. Ravdin, who has devoted almost his entire professional life to the fight against cancer, told the committee in sober and measured terms:

I cannot, Senator, accurately predict the future for cancer treatment. I might be so bold, however, to assert that I believe we shall see a vast reduction in the mortality from cancer in the lifetime of the oldest of us here. I can tell you, as chairman of the clinical panel, that real progress is being made. Plans should be laid for a continued and steady increase in funds for research. While surgery and X-ray are valuable in treatment, they are not good enough to still the search for further and better methods. The new agents to fight cancer are being made available at an amazing rate. I, myself, have seen certain of these agents cause the rapid disappearance of malignant tumors. The tragedy is that after a period of time the malignant lesions again make their appearance. We shall have to find agents which destroy every cancer cell in the body. Such agents, I believe and hope, will be found.

At that point in his testimony, I asked Dr. Ravdin how much of the recent progress against cancer he attributed to medical research.

About 99.44 percent—

He replied.

The progress is heartwarming. A few years ago an infant with leukemia never lived out the first year. Children are now living several years. It is with a real sense of humility and gratitude that I tell you that research is overcoming ignorance. Great truths in medical knowledge are usually the results of research by many workers, each of whom adds to the sum total of final accomplishment.

The testimony then turned to the use of radioactive isotopes in cancer therapy, and the junior Senator from Oklahoma commented:

I just hope there will be funds and personnel in the nuclear field turned over to medicine instead of the constant statements from the military of the catastrophic creation of hydrogen bombs. We should let the world know of our interest in saving life instead of destroying it.

Following Dr. Ravdin on the witness stand was Dr. Sidney Farber, professor of pathology at the Harvard Medical School, chairman of the Cancer Chemotherapy National Committee, and one of the world's most distinguished cancer specialists. Here is what Dr. Farber told the committee:

There is no need to emphasize before this group the enormity of the problem of cancer nor the potential of the scientists and physicians of the country to bring an end to this most frightening of all diseases. The increasing invasion of the lives of those in high places by cancer, as reported to a deeply interested world, merely illustrates the enormity of the problem which brings pain, economic catastrophe, and loss of loved ones in families throughout the world. Cancer destroys children, those in the prime of life and still badly needed by their families and their country, as well as the aged whose last months or years are not those which we would choose for them. In my own responsibility, my colleagues and I care for, at any one time, some 550 patients with cancer which has spread beyond the reach of the surgeon or the radiotherapist. Among these are many children with acute leukemia.

Although pointing out that 250,000 Americans die of cancer each year and that new cases are diagnosed at the rate of 450,000 a year, Dr. Farber told the committee of tremendous gains against cancer achieved only recently. Here are his exact words:

The actual cancer cure rate, Mr. Chairman and members of the committee, has changed in the last 3 years from one in four to one in three—a truly heartening gain, which is explained by the addition to the therapeutic weapons of the surgeon and the radiotherapists of new chemical therapeutic agents which have come through the research programs made possible by the Congress.

Of the 450,000 patients stricken each year by cancer, 150,000 are now saved through improved research knowledge. Furthermore, the American Cancer Society estimates that the lives of 75,000 additional Americans could be saved if the latest and best means for diagnosis and treatment of cancer could be made more widely available.

In an effort to step up the chemical offensive against cancer, the Congress 5 years ago inaugurated a mass screening of all possible compounds effective against cancer. Scientists in universities, private research institutes, industry, and in Government are engaged in this massive detection effort. There are more than 400 cooperative clinical studies alone under the direction of Dr. Ravdin.

In the first 5 years of the program, more than 70,000 chemical compounds have been screened and evaluated. Of these more than 20 compounds, hormones, and antibiotics are now in use throughout this country against more than 30 different kinds of cancer. Soon to be added to the armamentarium against cancer are 78 additional compounds which have emerged from these pilot years of our screening effort.

Mr. Arthur S. Flemming, the Secretary of Health, Education, and Welfare, at a press conference on December 15, 1958, emphasized that the cancer chemotherapy program had just finished the tooling-up phase and was now ready to go into action. Here are the Secretary's own words:

The cancer chemotherapy program—one of the most extensive efforts ever undertaken to find a cure for a major disease—is now, for the first time, in full-scale operation. * * * From the outset, the chemotherapy program was recognized as a high-risk venture involving very large expenditures without any positive guarantee of success. But when we consider the terrible toll of cancer, certainly every promising avenue of research should be explored with all practicable speed.

These are fine and noble words, but the administration budget for the National Cancer Institute for 1960 belies them. In his capacity as Chairman of the Cancer Chemotherapy National Committee, Dr. Farber testified before us that $5,540,000 in scientifically approved contracts for cancer compound screening could not be granted this year due to lack of funds.

"This then is not the time to retrench—this is not the time to stand still—this is the time to expand as rapidly as the scientific and medical resources of this country permit it along the directions of greatest promise in the laboratory and in the clinic, where 250,000 patients who are to die this year of cancer are waiting for something more than can be done for them now," Dr. Farber warned the committee.

There are those, some of them members of this body, who argue that our investment in cancer research over the past decade has paid few dividends. I wish all of them could have seen the medical slides, which Dr. Farber showed to our subcommittee, of children miraculously snatched from death through the use of new chemicals developed in the past decade.

Leukemia, a cancer which results in the overproduction of abnormal white cells of blood, is the most dread child killer of them all. Last year it killed more than 2,000 children.

Before the advent of the new chemical compounds, death from leukemia in children occurred within a few weeks to a few months after its onset. Dr. Farber, who used the first chemical compound against leukemia in 1947, told the committee that use of these chemicals at the Children's Hospital in Boston, of which he is director, had brought about an increase in survival in more than 900 children cared for in that one institution in the past 12 years. In actual fact, a small number of these children have lived up to 8 years after the onset of leukemia.

Dr. Farber told us the story of Frank, a boy now 14 years old. Nine years ago he was found to have a huge tumor of his right kidney. When the operation was performed to remove this tumor, an offshoot of the tumor was visible on the surface of the liver. Up until that time, this spread of cancer had been regarded as a sign of incurability. This offshoot was removed. Seven months later, another offshoot was found in the left upper lung. At that time, the solitary offshoot was removed and chemical treatment was begun. Two years later another offshoot, this time in the lower

part of the left lung was discovered. This was removed surgically and chemical treatment was continued up until 4 years ago. This boy is now alive, vigorous, and strong. He has not been ill a moment since more than 6 years ago, the time of his last operation. And yet he had at least three indications which in past years would have been taken as evidence of incurability.

Mr. President, what price do we put on this boy's life? Would his parents testify that there had been no progress in cancer research in the last 10 years? Would his parents agree with the administration that we are doing enough when all of us know that leukemia kills 2,000 children every year, 9,000 adults every year, and is second only to lung cancer in its rising incidence?

Is there a limit to the potential of medical research in saving lives? The Bureau of the Budget to the contrary notwithstanding, there is not. Dr. Farber gave us a moving illustration of the way in which research in one area can suddenly be found to have an almost miraculous application in another.

In 1940, the great Dr. Selman Waksman, a Nobel prize winner and the discoverer of streptomycin, while searching for antibiotics against infectious diseases, discovered one called actinomycin D which was not effective enough against infectious diseases and appeared to be too toxic for human application. It was put on the shelf. In 1954, Dr. Farber and his group at Boston became interested in the drug and they worked closely with Dr. Waksman. In painstaking research on mice, they discovered that it was the most powerful chemical agent against several forms of cancer. Although it is still too powerful to be used generally, it was discovered that, when used with radiotherapy, it would cause destruction against some of the most malignant tumors.

To illustrate: In January 1958, N. N., a boy 4 years old, was discovered to have a tumor of his left kidney, and at that time there were already many nodules, characteristic off-shoots of the tumor, in both lungs. Because this situation was deemed incurable, surgery was delayed to see if improvement could be made by the use of radiotherapy and actinomycin D. A month later, the tumor of the left kidney was removed and it was discovered at that time that the offshoots which had spread to the lungs were no longer visible by X-ray. Repeated courses of the new antibiotic were given. At the present time, a year and a half since the discovery of this "incurable" disease, the boy is in excellent health. As Dr. Farber pointed out, what has been produced by this new antibiotic is something which has never been produced under similar conditions before.

Will this little boy survive? He has the same limited chance of survival as have 25 million other Americans who will die of cancer unless medical research produces new and more effective treatments.

And to my friends who are more worried about a balanced budget than the preservation of human life, I ask this: How long can our democracy sustain the $12 billion annual loss caused by cancer? To my friends on the other side of the aisle, I point out that this $12 billion figure is not pulled out of the sky, it was released by your own Secretary of Health, Education, and Welfare on December 15, 1958.

The administration says we are spending enough for cancer research. In 1958, the National Cancer Institute spent only $58 million for cancer research. This is less than one-half of 1 percent of what this monstrous disease costs our economy annually.

Mr. President, does medical research pay off? Casting aside any humanitarian considerations for the moment, let me give you some hard facts on this subject which I have learned over the years from listening to scores of our Nation's outstanding scientists and physicians testify before our Senate Appropriations Committee:

Let me put the first fact very simply: The average baby born today has a life expectancy of 70 years, the full Biblical three score and ten. This is an increase of more than 6 years in life expectancy achieved in the past 15 years in which our medical research programs have begun to come of age.

Some of the most dread killers of our time—diseases which we knew at firsthand because they struck our own families and our own friends in an earlier day—have been brought under control. For example, tuberculosis, the dread White Killer was a leading cause of death at the turn of the century. If you contracted tuberculosis at that time, they put you to bed and counted the days or years until a merciful providence relieved you of your suffering. The physician was helpless to treat tuberculosis because medical research had given him no weapons.

Today tuberculosis is one of the most treatable of illnesses. The death rate from it has dropped a miraculous 80 percent in the past 15 years. And it is important to know, Mr. President, that the Congress of the United States played a key role in the development of the first drug which was effective against tuberculosis. When streptomycin was first discovered, in 1947, its cost was prohibitive. The immediate need was for a crash project to synthesize this drug and make it immediately available on a widespread scale. We disregarded the recommendations of the Bureau of the Budget and we allocated $3 million for the crash synthesis of streptomycin. The synthesis was successful, and the cost of the drug dropped dramatically, from $250 a gram to $10 a gram. As a result of this and subsequent appropriations, thousands of Americans are alive today who would have fallen victim to the Great White Killer only a decade ago.

Because of limitations of time, I can only list a few of the many areas in which medical research has brought about truly remarkable reductions in mortality: Maternal deaths, 83 percent decline; influenza, 74 percent decline; acute rheumatic fever, 83 percent decline; syphilis, 74 percent decline; infant deaths, 34 percent decline; pneumonia, 24 percent decline.

What has all this meant in human life and in the strength of our democracy? Since 1944, 1,800,000 lives have been saved due to medical research. These people saved from death between 1944 and 1958 earned approximately $3,600 million in income in 1958 alone. On this income these people paid to the Federal Government in income, estate, gift, and excise taxes about $623 million in 1958. In that very same year the U.S. Public Health Service spent only $215 million on all of its medical research programs. My friends, in 1 year alone we have had a 300-percent return on our investment in medical research.

Although medical research has made magnificent progress over the past 15 years, it still faces its most formidable challenges. Mr. President, last year heart disease killed 900,000 Americans. It is the leading cause of death in this country, and it is rising in its incidence as we prolong life. Ninety million Americans will die of this disease unless medical research produces new treatments and cures. Two-thirds of the Members of this body will die from heart disease unless medical research comes up with some urgent answers.

Despite these rather foreboding figures, it is a demonstrable fact that medical research in the field of heart disease has snatched thousands of Americans from the jaws of death.

In 1902, on a kitchen table in a shack in Alabama, by the flickering light of two kerosene lamps, my father, Dr. Luther L. Hill, performed the first successful suture of the human heart in America.

The years since then have brought forth nothing short of miraculous techniques in heart surgery. Since 1939, when Dr. Robert E. Gross repaired the first congenital heart defect to yield to surgery, one surgical miracle has followed another. In 1949, for the first time in the history of mankind, a surgeon, Dr. Charles Bailey, performed an operation inside the heart. Today open-heart surgery is almost a commonplace, and surgeons now remove the aorta, the main artery leading out of the heart, and replace it with a plastic substitute.

The majority of these recent advances in cardiovascular surgery have been supported by grants from the National Heart Institute. For example, 2 years ago, Drs. Andre Cournand and Dickerson Richards, Jr., of New York, received the Nobel Prize in medicine for their work in heart catheterization, the insertion of a small tube into the human heart to diagnose heart defects. That procedure has meant, for thousands of patients, the difference between life and death. Over the past decade, Drs. Cournand and Richards have received National Heart Institute grants of close to a half million dollars in support of their work. In addition, more than 100 heart surgeons in all parts of the country have received National Heart Institute support which has resulted in the development of arti-

ficial heart machines and scores of new procedures in heart surgery.

A few days ago, Dr. Michael E. DeBakey of Houston, Tex., received the distinguished service medal of the American Medical Association for a magnificent 6-year research project which demonstrated conclusively that strokes can be treated surgically. Dr. DeBakey and his group proved that about 40 percent of all strokes arise from artery blockages in the neck or the chest, and not in the brain. Working upon that revolutionary finding, they have developed surgical procedures to prevent paralysis and other after effects of strokes. It is important to note that, over the years, Dr. DeBakey has received considerable financial support from the National Heart Institute.

Time does not permit a listing of the many other advances against heart disease. Due in large part to both the intramural and extramural research programs of the National Heart Institute, we are now approaching the time when we can talk confidently about the prevention of heart disease. We have isolated the roles played by overweight, diet, and cholesterol in the development of heart disease. Only a few days ago, Drs. Jessie Marmorston and Oliver Kuzma of the University of Southern California Medical School reported on a 6-year research project which demonstrated that the administration in oral form of female sex hormones can appreciably prolong the lives of men and women stricken by heart attacks. Their pioneer research was largely supported by a grant from the National Heart Institute.

There are other developments too numerous to mention here. Over the past decade, the use of anticoagulants has prolonged the lives of thousands of victims of heart disease. The major investigators in this field have been aided by National Heart Institute grants. New drugs developed for high blood pressure have resulted in a 20-percent reduction in mortality from this common affliction in just the past few years. The major developments in research on hypertension have been supported by grants from the National Heart Institute.

But we still have a long way to go in the field of heart disease, Mr. President. More than 200,000 victims of heart disease in 1958 were in the working age group from 25 to 64 years of age. If these 200,000 people in the prime of their life had been able to live just one extra healthy year, they would have earned over $1 billion in 1958 alone.

It has often been said that mental illness is the Nation's No. 1 health problem. It fills more than one-half the hospital beds in this Nation, and it brings tragedy to one in five American families. Last year, mental illness cost this Nation $3 billion in hospital costs, lost economic productivity, and lost taxes.

From the time of the establishment of the first mental hospital on this continent in 1773 in Williamsburg, Va., mental illness has been generally regarded as a hopeless and incurable affliction. But the hopelessness and despair which surrounded mental illness for 180 years has finally given way to the miracles of modern research. The development of the new tranquilizing drugs, some 5 years ago, has resulted in the first sustained reduction in mental hospital populations in the history of this country. At the end of 1958, there were 52,000 fewer mental patients in all mental institutions than might have been expected on the basis of the rising curve from 1945 to 1955.

Commenting upon this truly historic development, the House Appropriations Committee had this to say in its official report to the Congress in April of this year:

> Medical research that can increase our ability to prevent chronic mental illness is the only way of eventually cutting down on the Nation's multi-billion-dollar annual bill for care of the mentally ill.

In this truly exciting development, the National Institute of Mental Health has played a major role. Its Psychopharmacology Service Center is today the spearhead and the command post for the chemical offensive against mental illness.

The National Institute of Neurological Diseases and Blindness is one of the newer institutes, having been established by congressional action in 1950. It has a fantastic medical research responsibility, being concerned with more than 200 crippling neurological and eye disorders which affect about 20 million Americans. In the brief 9 years of its existence, it has achieved so many brilliant research accomplishments that it has repaid many times over the cost of its annual budget.

Soon after its inception, it began intensive research on retrolental fibroplasia, the prime cause of blindness in infants for many years. As a result of its own research, and as a result of research it supported in other parts of the country, it was discovered that this baffling disease was due to a defect in the administration of oxygen to premature infants. It has been estimated that the cost of care for the 5,000 children already blinded by retrolental fibroplasia will be, in our generation, 100,000 times the cost of the medical research which has led to its successful prevention.

In its own laboratories in Bethesda, Md., the National Institute of Neurological Disease and Blindness has revolutionized the attack on brain tumors. For a decade, medical science has been searching for an effective method of detecting and localizing tumorous growths in the brain. In 1958, after years of patient research investigation, Institute scientists perfected an instrument for the painless detection of brain tumors without surgery. This brain scanner records, in an hour and a half, the size and location of a brain tumor. With such a safe and accurate diagnosis, a brain surgeon can then perform the early surgery which is the only known means of cure of brain tumors.

There are about 345,000 blind persons in the United States today. In addition, 1,500,000 of our citizens are blind in one eye. An estimated 70 million of our people have eye defects which require glasses or other corrective measures. Nine million children in America today require corrective measures for serious eye defects.

Medical research, most of it supported by the National Institute of Neurological Diseases and Blindness, is saving the sight of thousands of Americans. Cortisone, ACTH, and new steroids are proving successful in the treatment of uveitis and glaucoma. New surgical procedures have been developed for both glaucoma and cataracts. Corneal transplant has become a relatively common procedure because of improved techniques. New electronic devices have been developed to further early diagnosis and treatment of various eye diseases.

But we have merely begun to mount a research offensive against blindness and disabling eye conditions. Last year we spent only $4 million in medical research on diseases of the eye, a vast and unexplored field in which we do not even have some of the simplest answers as to the fundamental causes of these disabling eye diseases. Contrast this small expenditure with the $90 million we spend annually for aid to the blind. Contrast this with the 235,000 men who were lost to the Armed Forces in World War II because of visual handicaps.

In 1950, the Congress also established the National Institute of Arthritis and Metabolic Diseases. Approximately 11 million Americans are suffering from arthritis and rheumatic diseases. Rheumatic disease is the Nation's No. 1 cripler, disabling 1 out of every 10 persons over the age of 14. Arthritis and chronic rheumatism confine 868,000 people to bed each year. There are 200,000 children in the Nation suffering from rheumatic disease.

The economic losses caused by arthritis and rheumatism are staggering. Eighty million work days each year are lost to these diseases. This is the same as if 320,000 persons were each year removed from the work rolls of the Nation. More work days are lost in this country each year as a result of arthritis than as a result of injuries suffered in accidents. Twelve percent of all the permanently and totally disabled persons in the United States receiving public assistance from the Federal Government suffer with arthritis and rheumatism; the annual relief bill for these people exceeds $125 million.

Conscious of the tremendous economic losses caused by arthritis, the Congress has continually supported medical research designed to develop new drugs against the disease. In 1949, when a group at the Mayo Clinic first proved the effectiveness of cortisone against certain forms of arthritis, the Congress disregarded the recommendations of the Bureau of the Budget and appropriated $3 million for the synthetic manufacture of cortisone. This medical research venture proved a success, and the price of cortisone dropped to one-twenty-fifth of its former prohibitive cost.

Over the past decade, the National Institute of Arthritis and Metabolic Diseases has played a major role in the development of new and more powerful steroids for use against arthritis. Only a few weeks ago, at the second Pan American Congress on Rheumatic Diseases, a team from the Institute headed by its clinical director, Dr. Joseph Bunim, reported on a new drug which

is the most potent antiarthritic compound ever developed. It produced a satisfactory response in 21 of the 27 patients tested at the Clinical Center at Bethesda, and it is important to note that all of these patients had been treated previously and unsuccessfully with other steroids.

Scientists from the National Institute of Arthritis and Metabolic Diseases are also making important inroads upon gout, that age-old affliction of man which is caused by an excess of uric acid in the blood and tissues. Recently the Institute reported the discovery of a new drug which is considered a research trailblazer against gout because it slows down the overproduction of uric acid.

Mr. President, we spend less than $4 million a year upon medical research on arthritis, a disease which is conservatively estimated as costing this Nation $1,500 million a year in lost wages and public relief payments.

I could go on for several hours citing the enormous toll taken in human lives and economic productivity by a host of additional killers and cripplers which time does not permit me to mention.

Mr. President, in 1953 and 1954 the House Interstate Commerce Committee, then headed by a very distinguished Republican, former Congressman Charles A. Wolverton, of New Jersey, held extensive hearings, whose purpose was to assess the role of medical research in combating disease. In a unanimous report to the Congress, that committee pointed out that disease was costing this country $30 billion a year in hospital costs, lost economic productivity and lost taxes.

I say to the Members of this body that unchecked disease is a more ruthless enemy of this democracy than any foreign invader, for it not only saps the very fiber and strength of our democracy but it kills and cripples all in its path including children and helpless old people.

Mr. President, this unchecked invader kills 1,700,000 Americans each and every year. If an enemy air attack were to wreak this kind of destruction, we would mobilize our entire strength to repel the invader.

I submit to this body that it is about time we mobilized a major offensive against this invader. Over the past decade, we have begun a small tooling-up process which has merely highlighted the real potentials in a massive attack upon the major killers and cripplers of our day.

For the coming year, we will appropriate in excess of $40 billion for the military defense of our country. When I first came to the Congress back in 1923, our defense appropriations were less than $2 billion a year. This is an increase of more than 1,000 percent. But I hear no one in the Congress calling for a cut in this continuing rise in our defense expenditures. Yet the Secretary of Health, Education, and Welfare cried aloud at a recent press conference about the rapid rise in medical research expenditures against a foe much more deadly and devious than any foreign invader.

On June 4 of this year, Dr. Herbert F. York, Director of Research and Engineering for the Department of Defense, told a congressional committee that the research and development program of the Department of Defense in fiscal 1960 would exceed $5,600 million. He also told the committee that this expenditure, which has risen astronomically in the past decade, must continue to rise in the coming years if we are to keep up with Soviet Russia.

On that very same day, the Senate voted an authorization of $485 million for a new Agency, the National Aeronautics and Space Administration. The Senator from Mississippi [Mr. STENNIS], in reporting the authorization to the floor, told us that this was but the beginning; in 2 years we would be asked to appropriate $2 billion for this Agency, and in the years following that, untold additional sums of money. The Senator from Mississippi informed us that these sums were absolutely vital in the race for space supremacy, and that new concepts in military and civilian defense made expenditures of this magnitude mandatory.

Mr. President, by the same token we need a whole new set of concepts in medical research. The shopworn, peacetime budget for medical research has been obsolete for many years. We are engaged in a war against ruthless killers and cripplers, and we must put this medical research offensive on a wartime footing.

How much money is needed for this kind of an offensive? I do not know, Mr. President, but I know that the $480 million in the current bill is far from adequate. There is no doubt in my mind that, within the next 5 to 10 years, this medical research expenditure should be in the magnitude of $2 billion to $3 billion a year.

At the current rate of inadequate expenditure, we are not holding our own—we are actually losing ground to many of the most insidious killers of our time. For example, a recent series in the Washington Post disclosed the fact that the incidence of six major types of cancer is increasing at an alarming rate. Lung cancer, which killed 35,000 Americans last year, had doubled its mortality rate every 10 years during the past generation. The mortality from heart disease has increased to an alarming degree, and it was Dr. Paul Dudley White, the noted cardiologist who treated President Eisenhower when he fell victim to that disease, who told our committee several years ago that the alarming annual increase in heart disease in America made this "one of the unhealthiest countries in the world." As you all know, mental illness is also on the rise; admissions to State mental hospitals alone have increased 25,000 in just the past 2 years.

Mr. President, there are some, including a few in the executive branch of our Government, who claim they are for more medical research, but who argue that you cannot get enough scientists to mount a major medical research offensive.

This is an argument which is as invalid as it is ancient. We heard it back in the 1930's, when we appropriated the first moneys for the National Cancer Institute. We heard it in succeeding years as we appropriated money for additional Institutes. The defeatists in the Congress cried aloud that we would never be able to recruit the scientific personnel to staff these Institutes. To those defeatists, I issue an invitation: Go out to Bethesda and observe today the activities of more than 5,000 scientists who perform their dedicated work on land that was a sleepy Maryland farm less than 20 years ago.

How did we get these men We got them, not by holding press conferences devoted to bemoaning the lack of scientific personnel, but by appropriating money to recruit and train them. In 1946, there was less than $1 million in the Public Health Service budget for the training of scientists and physicians in specific disease categories. In the bill which we are bringing to the floor today, there is approximately $80 million for the training of scientific and medical personnel.

In 1948, when we established the National Institute of Mental Health, we were told that it would be almost impossible to train additional people in this field. The defeatists said the problem was too hopeless, that you couldn't get young people to go into such a discouraging field. We in the Congress refused to listen to the defeatists. Over the past decade, we have appropriated $70 million to further the training programs of the National Institute of Mental Health. In that time, approximately 5,000 psychiatrists, psychologists, psychiatric nurses, psychiatric social workers, and so forth, have been added to the offensive against mental illness. Since there are some individuals in the administration who profess to be worried about the programs in the National Institutes of Health taking men out of private practice, I want to point out to them that, through congressional appropriations, several thousand psychiatrists have been added to the pitifully small number of physicians engaged in the private practice of psychiatry in this country.

In addition to supporting the training of expert clinicians in the various disease categories, we have constantly raised the appropriations for the training of research fellows. In 1946, less than $1 million was available to the Public Health Service for the recruitment and training of scientists who would devote their lives to medical research. In the bill which we are bringing before you today, there is approximately $15 million for the training of research fellows, and this is not by way of boasting. We should really double this research training program in the next few years.

I will again put it very simply: Comes the determination, comes the men.

During World War II, President Roosevelt announced that we would build 50,000 airplanes. The defeatists cried out: "Impossible. Where will you get the pilots?" This great democracy developed a crash training program, and we turned out 100,000 skilled pilots to man those 50,000 airplanes.

When we answer the defeatists on the question of the training of manpower,

they move two steps to the right and cry out that we do not have enough research laboratories and other facilities to carry on an expanded medical research program. We heard that argument a decade ago in the Congress, and we did something about it. In the last 3 years of the Truman administration, we appropriated $20 million in matching funds for the construction of medical research laboratories. This small appropriation resulted in a $100 million research construction program; the States, localities, and private institutions matched the Federal grant better than 4 to 1.

In the budget for fiscal 1953, President Truman included a sizable sum for the continuation of this research construction program. The present administration, in addition to slashing the medical research budget proposed by President Truman, cut out every cent for medical research construction. In the 3 succeeding fiscal years, the present administration flatly refused to include 1 cent of medical research construction money in its budgets.

We in the Congress were forced to act. In 1955, we held exhaustive hearings which brought out the fact that most medical research in this country was being conducted in disgracefully outmoded facilities. In 1956, a bipartisan coalition of Senators, with strong leadership on both sides of the aisle, passed the Health Research Facilities Act which appropriated $90 million in matching funds over a period of 3 years for the coalition of Senators, with strong leadership on both sides of the aisle, passed the Health Research Facilities Act which appropriated $90 million in matching in funds from State, local, and private sources. However, the need for these vital facilities still far exceeds the present appropriations, and the Congress renewed the Health Research Facilities Act in 1958 in a further effort to cut down on the enormous backlog of research construction requests coming in from institutions in all parts of the country.

Those of us familiar with the progress of the dental profession during the past half century cannot fail to be impressed with the evolution of dental practice. In dentistry, as in other medical fields, there has been historic progress toward the concept of man as a single biological entity. The evolution of dental practice, in its relationship to the biological and other sciences, has come about chiefly through dental research. For research is the mind and the heart of dental progress, as it is of all medical progress.

The scope and variety of dental research has grown rapidly in recent years, with increased funds provided by Congress. Dental research today is concerned not only with the causes, control, and treatment of dental caries and peridontal diseases, but also with a number of other diseases and malformations affecting the mouth and adjacent structures. These include cancer, cleft lip and palate, oral manifestations of systemic disease, and the influence of oral diseases on other organ systems of the body.

Mr. President, I am not a defeatist; I believe the American people can do anything which they are determined to do. We who settled and tamed a continent in the 18th and 19th centuries, can conquer disease in the 20th century.

Can the American people afford it? Last year the Federal Government spent $215 million for the medical research activities of the National Institutes of Health. In that same year, the American people spent $304 million on chewing gum and $341 million on greeting cards.

Do the American people want us to invest in an expanding medical research program? Every survey over the past decade has shown that the American people not only support expanded medical research, but are willing to pay additional taxes to provide it. In the most recent of these surveys, conducted in May 1958 for the National Association of Science Writers, a nationwide sampling of our citizens was asked which of four scientific projects they would prefer if money was available for only one. Here are the choices of the American people: A new program for medical research, 54 percent; new approaches to juvenile delinquency, 32 percent; basic research in sciences like chemistry and physics, 7 percent; putting the first man on the moon, 3 percent.

Mr. President, I say that it is about time that medical research came of age. I say the time is now to catch up with the desires of the American people and to increase our medical research appropriations annually until we have won the battle against the killers and cripplers which are sapping the vitality of our great democracy in our crucial battle for survival in a troubled world.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, that the bill as so amended be considered as original text for the purpose of amendment, and that no point of order against any amendment shall be deemed to have been waived by the agreement to this request.

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

The amendments agreed to en bloc are as follows:

On page 2, line 21, after the word "necessary", to insert "including rent of premises in the District of Columbia".

On page 11, line 12, after the word "rendered", to strike out "$9,419,500" and insert "$9,519,500".

On page 16, at the beginning of line 2, to strike out "$300,000" and insert "$325,000".

On page 17, line 3, after the word "training", to insert "under title II of the Vocational Education Act of 1946, as amended, which sum shall be available under such title also for the continuation of programs of practical nurse training in effect prior to August 2, 1956,"; and at the beginning of line 12, to strike out "$30,367,081" and insert "$29,267,081".

On page 17, line 24, after "(20 U.S.C. 351-358)", to strike out "$6,000,000" and insert "$7,500,000".

On page 19, line 11, after the word "programs", to insert a colon and *"Provided*, That funds available for grants to States for area vocational education programs shall be available, notwithstanding any other provision of law, for instruction (including related instruction for apprentices) in programs designed to fit individuals for useful employment as technicians or skilled workers in recognized occupations requiring scientific or technical knowledge;", and in line 19, after the word "counseling", to insert a colon and *"Provided further*, That no part of this appropriation shall be available for the purchase of science, mathematics, and modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source."

On page 20, line 6, after the figures "$1,000,000", to insert a colon and *"Provided*, That section 2 of such Act is amended by adding at the end thereof the following: 'Such grants shall also be available to assist such institutions in meeting the costs of training such personnel.'."

On page 21, line 25, after the word "Act", to strike out "$12,500,000" and insert "$12,700,000".

On page 23, line 1, after the word "exceed", to strike out "$15,000" and insert "$19,000".

On page 24, at the beginning of line 3, to strike out "$5,452,000" and insert "$6,952,000", and, in the same line, after the word "than", to strike out "$3,000,000" and insert "$4,500,000".

On page 25, line 9, after the word "buildings", to strike out "$14,590,000" and insert "$15,640,000".

On page 25, line 19, after the word "amended", to strike out "$143,700,000" and insert "$211,200,000"; in line 20, after the word "which", to strike out "$121,500,000" and insert "$150,000,000"; in line 23, after the word "and", to strike out "$21,000,000" and insert "$60,000,000"; in line 24, after the word "follows", to strike out "$6,500,000" and insert "$20,000,000"; in line 25, after the word "centers", to strike out "$6,500,000" and insert "$20,000,000"; on page 26, line 1, after the word "impaired", to strike out "$4,000,000" and insert "$10,000,000"; in line 2, after the word "and", to strike out "$4,000,000" and insert "$10,000,000"; and, in line 6, after the word "herein", to insert a colon and *"Provided further*, That subsection 654(c) of the Act is redesignated as section 637 and transferred to part D under the heading 'Transfers of Allotments Between States'; and the word 'title' is substituted for the word 'part' wherever it appears therein, and subsections (d) and (e) of section 654 are redesignated as subsections (c) and (d)."

On page 26, line 16, after the word "amended", to strike out "$1,604,000" and insert "$1,777,000".

On page 26, at the beginning of line 20, to strike out "including $2,167,000 to be available only for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C., chap. 7),"; on page 27, line 6, after the word "ammunition", to strike out "$45,600,000" and insert "$43,633,000", and in line 7, after the word "which", to strike out "$1,000,000" and insert "$1,200,000".

On page 27, after line 13, to insert:

"DEPENDENTS' MEDICAL CARE

"For payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C., ch. 7), not otherwise provided for such amounts as may be required for the fiscal year ending June 30, 1959."

On page 28, line 3, after the word "countries", to strike out "$4,460,000" and insert "$4,685,800".

On page 29, line 13, after the word "research", to strike out "$36,404,000" and insert "$49,585,000".

On page 30, line 13, to strike out "$83,308,000" and insert "$110,203,000".

On page 30, line 17, after the word "diseases", to strike out "$60,409,000" and insert "$79,986,000".

On page 30, line 20, after the word "Act", to strike out "$52,744,000" and insert "$89,500,000".

On page 31, line 2, to strike out "$9,725,000" and insert "$10,164,000".

On page 31, line 6, after the word "diseases"; to strike out "$37,790,000" and insert "$51,200,000".

On page 31, line 10, after the word "diseases", to strike out "$30,286,000" and insert "$41,000,000"; at the beginning of line 11, strike out "$150,000" and insert "$200,000", and at the beginning of line 13, to insert "and for plans and specifications".

On page 31, line 17, after the word "blindness", to strike out "$33,613,000" and insert "$48,966,000".

At the top of page 32, to insert:

"CONSTRUCTION OF ANIMAL QUARTERS, HAMILTON, MONTANA

"For the construction of quarters at the Rocky Mountain Laboratory, Hamilton, Montana, for small animals, $150,000."

On page 32, line 19, after the numerals "1953", to insert "and payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C., ch. 7)".

On page 39, line 8, after the word "fund", to insert a colon and "*Provided*, That the rate of compensation of the General Counsel shall be that prescribed by the Act of July 31, 1956 (5 U.S.C. 623b(a)), so long as the position is held by the present incumbent."

On page 41, line 6, after the word "of", where it occurs the first time, to strike out "15" and insert "25".

On page 41, after line 17, to insert a new section, as follows:

"SEC. 209. The Secretary is authorized to make available not to exceed $1,500 from funds available for salaries and expenses under this title for entertainment, not otherwise provided for, of officials, visiting scientists, and other experts of other countries."

On page 41, after line 22, to insert a new section, as follows:

"SEC. 210. Appropriations to the Public Health Service available for research grants pursuant to the Public Health Service Act shall also be available, on the same terms and conditions as apply to non-Federal institutions, for research grants to hospitals of the Service or to Saint Elizabeths Hospital."

On page 42, after line 3, to insert a new section, as follows:

"SEC. 211. Appropriations under this title available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities."

On page 44, line 22, after the word "maintained", to strike out "$3,904,400" and insert "$3,949,000".

Mr. HOLLAND. Mr. President, I am grieved at the amount provided in this bill because, for the first time, the amount provided in an appropriation bill marks a great departure from the policy which has been followed up to this time by the Senate Committee on Appropriations. I think that, in general, the members of the Committee on Appropriations have faced up to their duties seriously during this session. Eight appropriation bills have already been passed by the Senate. I believe they have been passed either exactly in the form as reported by the committee or, perhaps, with one or two very minor changes in some of the bills.

Mr. President, in each of those eight appropriation bills, reductions have been made—no great reductions, but conservative reductions—from the amounts proposed by the Bureau of the Budget and by the President. This has been welcome news to the country, as reflected by my mail and as reflected in the press and as reflected over the radio and television.

Up to this time, the citizens have been glad and grateful for the attitude of the Senate, as expressed, first, by the Senate Appropriations Committee, and later approved by the Senate, because in each of those eight bills, as passed up to this time, there has been a conservative approach, and there has been recognition of the fact that the country needs to safeguard its money, and in the case of each of those eight bills we have made small reductions in the budgeted amounts.

Mr. President, in the bill we are now considering there is a very great and, I believe, an unnecessary departure from that policy, as heretofore followed by the Appropriations Committee and by the Senate. In the committee there were those who felt that this departure should not be approved by the committee, and who made every effort to have some of the very great additions to the bill deleted before the committee reported the bill.

Mr. President, I personally feel that one of the three large increases in the bill is justifiable.

It is the one—a relatively small one, but large in the sense that it covers several million dollars—which allows for continuation of the pay to the school districts which are adversely affected by the location within their bounds of defense industries or defense units. I think the Federal Government has an obligation to pay a part, at least, of the added costs, and has an obligation to fulfill the commitments it has made by means of the two acts which were passed previously. In the case of that one increase, which appears in two places in the bill, one for the operation of schools, and one for the construction of needed additional facilities caused by the impact of defense installations or defense industries—I think the committee was justified in the action it took.

As to the other two, I think the committee was not justified in its action. It is for that reason that I call attention at this time to these items.

In the case of grants for hospital construction, the budget estimate was $101,200,000. That is for construction grants under the Hill-Burton Act, which every Senator has supported, and which has very generously given Federal aid to local units and others that have built hospitals.

The House of Representatives, in its judgment, increased that amount by $42,500,000, to a total of $143,700,000.

In the committee, a group of us who want to continue the conservative handling of our country's finances had hoped to have the committee approve the amount voted by the House of Representatives. But instead, a majority of the committee approved an amount of $67,500,000 greater than the amount voted by the House, which makes a total increase, for this appealing objective of $110 million above the $101 million recommended by the Budget, or a total amount of $211,200,000.

Mr. President, I do not believe that amount could be utilized usefully in the coming year. I believe that if it were utilized, it would set the pace for vastly increased appropriations in the future. I have not received from my State any intimation or indication that any such increase—more than double the budgeted amount for this very appealing objective—is expected or requested or could be utilized. I think the addition of the extra $67.5 million is unwise, and marks so great a departure from everything the Senate has done up to now that I should call attention to it.

The other great increase comes—it has already been stated frankly by my distinguished friend, the Senator from Alabama [Mr. HILL]—in the appropriations for the eight different activities included within the National Institutes of Health. Mr. President, if there is any appealing group of activities, it is the group which includes those eight. Every Senator wants them to be supported generously and wants them to be supported to the degree that the funds voted can be properly utilized.

But, Mr. President, the action taken in this case by the committee would, in my humble judgment, provide those eight activities with amounts which they could not usefully utilize during the coming year. Instead, such amounts simply would encourage the diversion of doctors, dentists, technicians, and scientists from other fields of activity, where they are now usefully employed, to this work, and would further restrict the supply of doctors, dentists, and scientists in the various communities.

Almost every week we receive communications from some of the live, growing communities in my State which call attention to the need for more doctors, dentists, and technicians; and I have observed the same situation in a great institution of learning, of which I happen to be a trustee—I refer to Emory University—which has both a dental school and a medical school and is doing excellent research work along the line of the objectives which are included in the objectives of the National Institutes of Health. Even by straining to the utmost, we cannot supply the number of doctors, dentists, and technicians who are needed as a result of the present size of the program. Thus, Mr. President, an increase of $136 million, which is provided by the bill as reported by the Senate committee, following the very generous increase voted by the House of Representatives, would be exceedingly unwise, it seems to me.

Aside from departing from the philosophy the Senate has followed, it seems to me that the two increases I have mentioned are not justified. The $67,500,000 for hospital construction added by the Senate committee, after the additional amount of $42,500,000 already voted by

the House of Representatives, over and above the budgeted amount—thus making the total appropriation $211 million, as against the $101 million recommended by the Budget—is unwise and injudicious; and I believe the Congress should not appropriate that huge sum of money.

In the other case, the addition of $136 million to the appropriations to the National Institutes of Health, after a very large additional amount had already been voted by the House of Representatives, over and above the budgeted amount, seems to me to be very unwise and very injudicious, and gives the impression that there is an attempt to have the Senate take advantage of these very appealing objectives, to slap at something which we have been doing and should be doing—namely, reducing the appropriations wherever we can, in the effort to bring about a sounder financial approach to the problems of the Government.

Mr. President, I felt that I was dutybound to express this feeling, which I hold very intensely, because I thought that these two increases, which have been recommended by the subcommittee, and have been approved by a majority of the full committee, but not by all the members of the full committee, are unwise, extravagant, and highly injudicious; and, Mr. President, above all, they will more than destroy, at one fell swoop, the savings which we have made thus far by making appropriations smaller than the budgeted amounts in the case of the eight appropriation bills we have passed.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I very seldom disagree with my friend, the Senator from Florida. However, I feel it important that something be said about these medical research items.

Mr. President, every year that we have included appropriations for these purposes in this bill, under the leadership of the distinguished Senator from Alabama [Mr. HILL], and we have been dealing with these needs for many years—the Department has opposed the amounts of the appropriations we have voted. That has happened every year. They opposed the first bill which came before the Senate, although that bill called for less than $1 million for cancer research. It was said they could not use the money and that they did not know what they would do with it. But every year, year after year, we have always had good medical advice when we have fixed the amounts. We have not picked these figures out of thin air. They have been gone into pretty well by people in the field. Every year the same Department comes back to Congress and tells us what they have done and what the payoff has been in health, what the payoff has been in the alleviation of illness, and what the payoff has been in life expectancy.

I do not know why it is that these are always the items fought against the most vigorously. Yet without the wink of an eye, we will mark up appropriation bills and provide for the spending of $100 million on some items which we think are necessary for defense. I would suggest that the Defense Department wastes this much money almost every month, not through any fault of its own, but as a result of technological advances. We find that the business of defense is a wasteful one.

Every argument made against the expenditure of such funds as are contained in the pending bill is predicated upon the question, "What has been shown as a result of such expenditures?" I could recite, as I know the Senator from Alabama [Mr. HILL] could, the many results which have been obtained in the field of medical research, what we like to call payoffs for the money we have appropriated.

But I think the best example of what has been done is that, through medical research, since the program was started in 1943, the average life expectancy for both sexes has increased from 63.3 years in 1943 to 69.6 years in 1956, a total of 6.3 years. Since 1943, 8½ years have been added to the average life expectancy of women, and 4.3 years have been added to the average life expectancy of men.

In spite of that fact, every year that Congress has proposed certain amounts to be expended for research, someone from the Department has come before the committees and has said, "We cannot use the money." But every year something worthwhile has been shown as a result of such research. If the addition of 8½ years to the average life of women in the United States and the addition of an average of 4.3 years to the average life expectancy of men in the United States are not worth the amount of money we have appropriated, then I think we should all fold up and go home.

I agree that some of the money may not have been used wisely or judiciously. That is in the very nature of research. In basic research one may go on for years and never show any results, and all of a sudden he breaks through with a discovery worth all the effort, all the time, and all the money which had been expended.

I think if we asked the average male taxpayer what he would pay to live 4 more years, he would not put a price on it. There is no price which can be put on those added years. If we asked the average American women what she would pay to live 8½ years more, I am sure that she would not put a price on that additional life expectancy.

Sometimes I think that those who oppose such items think we pick a figure out of thin air. That is not true at all. The amounts provided are closely scrutinized by people in the field. They have vision. They look ahead. They know a little about what is needed to make a breakthrough in finding the cure for some of the killers of mankind. The items in this bill are pretty well documented. It is always said by the departments that we do not have enough doctors. That is one reason why we should appropriate the money. It is said that there is overcrowding of doctors, dentists, and research people in our schools. What we need is more research personnel, so we will not need so many doctors.

There have been so many discoveries that I am sure the Senator from Alabama [Mr. HILL], could stand on the floor for 4 hours and list the breakthroughs which have been made since the program was started.

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

Mr. MAGNUSON. I yield.

Mr. HILL. No one is more familiar with the Institutes of Health program and the work on medical research than is the distinguished Senator from Washington. He has had not only a deep and abiding interest in the programs through the years, but he was the author of the bill which established the National Cancer Institute. He not only provided leadership for the passage of that legislation, but he also succeeded in having a very kind and generous lady give to the Government the ground on which that institution stands today.

The Senator from Washington speaks from long experience, study, and insight into the whole problem of the health of the American people and of the contributions of medical research and the need for more research. Certainly no one can speak with greater authority in this field than the Senator from Washington.

Mr. MAGNUSON. I thank the Senator from Alabama. I think the RECORD ought to show the main causes of death in this country. The research program is geared to these statistics.

In 1957, according to the best estimate we have, 892,490 Americans died from arteriosclerosis and cardiac diseases.

Some 254,780 Americans died from cancer. That disease struck pretty hard right here in the Senate on many occasions.

There were 172,643 childbirth deaths.

The reason for the increase in the life expectancy of women is that we have pretty nearly wiped out childbirth deaths. We have been able, as a result of research, to reduce almost to the absolute minimum, fatalities resulting from childbirth.

Accidents account for only 97,000 deaths in the United States.

Pneumonia accounts for 53,000 deaths.

Diabetes accounts for 27,000 deaths.

Cirrhosis of the liver accounts for 18,000 deaths.

Fifteen thousand Americans commit suicide. Many of them commit suicide because they are despondent over their ill health. I would think that would be the main cause of their committing suicide, rather than mental causes.

We have almost whipped tuberculosis. As a result of the money we have provided the Veterans' Administration for medical research on TB alone, we have reduced the medical bill by more than $700,000—almost $1 million—on actual bed patients. We are about to close all the TB wards in veterans' hospitals, which is a marked indication of what research can do.

I agree with my friend from Florida that sometimes it is difficult to chart a course in medical research. Cancer research now takes more money. The most exciting thing which has happened in cancer research has been the research into chemical properties of certain drugs. Many thousands of drugs and thousands

of compounds have had to be analyzed. As a result, research has been centered on a few compounds which give some promise of help in the fight against different kinds of cancer. We expect the development of more.

We have learned many things about heart disease. The Senator from Alabama very dramatically told the committee, only yesterday, one thing I did not know about. Up until the research program went forward we had always thought a paralytic stroke was caused by a break in a blood vessel in the brain. Now we have discovered a method by which the surgeons are able to make corrections.

I do not know how much of this money might be wasted or how much of it might be unwisely spent. I do not suppose anyone could know. Surely we ought to provide enough for the research experts to go ahead.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. I should like to invite attention to the fact that the distinguished Senator from Alabama yesterday, at the meeting of the committee, pointed out that heretofore we had thought paralytic strokes were caused by the bursting of blood vessels in the brain, but that recent research has revealed that many times these strokes are caused by impairment of blood vessels in the neck and sometimes in the chest.

Mr. MAGNUSON. And the doctors now can get at those by using some of the methods they have devised.

It is said sometimes that comparisons are odious. We are spending about $58 million for research on the No. 2 killer, cancer, yet we spend $665 million for rivers and harbors control.

We spend about $27 million for research on mental illnesses. Again, I want to say to the Senator from Alabama, the amount being spent on mental illness could save us almost 10 times as much as the cost of actual beds provided in veterans' hospitals. I do not know how many Members of the Senate realize that we have, in every other bed in the veterans' hospitals, a mental case.

In the course of this research there has emerged one man who has contributed more in worth than the cost of the whole program. This man discovered that forms of tranquilizers could help in cases of mental illness, and this has reduced the cost in the Veterans' Administration hospitals by at least a couple of hundred million dollars in 1 year. That is what research can do.

We spend $111 million for soil conservation, which is good. We spend $157 million for agricultural research, which is good. We all voted for that.

But, even though we cannot pinpoint some of the tangible results in each particular case, I think we can afford to spend this amount of money for the health of the people of the United States.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. Is it not true that a few days ago the Senate increased the amount for the Development Loan Fund by $100 million?

Mr. MAGNUSON. That is correct.

Mr. BYRD of West Virginia. An amendment was offered in the Appropriations Committee to increase the amount the House of Representatives had allowed for the Development Loan Fund by $100 million. Was there a single eyebrow raised when that amendment was offered in the committee? Was there any argument about it?

Mr. MAGNUSON. Not a bit.

Mr. BYRD of West Virginia. The amendment went sailing through, did it not?

Mr. MAGNUSON. Yes.

Mr. BYRD of West Virginia. It is amazing to me that some Senators are always ready to increase amounts for the Development Loan Fund, which in reality is merely another giveaway, since it is a matter of making soft loans for which little or no security is offered by the recipient countries. There are those who raise no objection, or very little at most, to increasing amounts for participation in programs in foreign countries, yet when it comes to the spending of money for our own people, on behalf of the welfare and health and promotion of longevity of our own fellow Americans, they want to argue and quibble about the matter. I think it is time we quit being penny wise and pound foolish. It is time we spend less money abroad and use a little more of it here at home.

I desire to compliment the distinguished Senator from Washington for the every impressive argument he has made for this increased appropriation for medical research.

Mr. President, I wish also to take this opportunity to compliment the distinguished chairman of the subcommittee, the Senator from Alabama [Mr. HILL] and the other members of the subcommittee, as well as the members of the full Committee on Appropriations, for their forthright action in presenting this appropriation figure to the Senate. I wish to commend him and them for having increased the amount of money to be spent for medical research which will redound to the welfare and benefit of our own people in our own country.

Mr. HILL. Mr. President, I thank the Senator from West Virginia.

Mr. MAGNUSON. Mr. President, I think the RECORD should show that, because of research we have an increasing percentage of decline in the the death rate from many diseases. Those figures run from 24 percent to 84 percent.

As a result of the research program directly in New York State alone 35 percent of the mental cases, because of the use of tranquilizers, were released in the year 1958.

I do not know whether we have picked out the correct figure, but I know, as the Senator from West Virginia pointed out, there are great arguments going on.

In the Appropriations Committee at the present time there is an argument as to the value of an aircraft carrier. There is a great dispute over whether an aircraft carrier is worthwhile, or whether we should provide something else. No doubt we are going to vote $130 million for the aircraft carrier, and it will cost $200 million before we are through. There is a dispute about it. I think there can be no dispute about the amount of money spent on medical research.

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

Mr. MAGNUSON. I yield.

Mr. PASTORE. As a matter of fact, only this morning, a few minutes ago, I returned from the markup of the Defense Department appropriation bill. In the subcommittee we were dealing with a figure of $39,248,000,000. I do not say that the money should not be appropriated. Of course we must appropriate the money necessary for the security of the Nation and for the security of the free world. However, if we can find $39,248,000,000 of the taxpayers' money for the defense of the country, without bankrupting the Nation—and we must not impoverish the Nation, of course—why can we not find $136 million more to do the research work which must be done to find cures for terrifying diseases and to prevent their incidence?

I have been a member of this subcommittee, Mr. President, for a number of years. Year in and year out we have heard the constant lament, "We cannot use the extra money even if you give it to us." Yet when we have appropriated the money we have found that the money has been committed wisely, has been allotted prudently, and has been spent effectively. For what has it been spent? It has been spent to seek the cure for cancer, the cure for mental illness, and the cure for other diseases which are plaguing the well-being of the people of our great Nation.

Mr. President, the only test we have to meet is: If we appropriate this money, can it be wisely and prudently spent? That is the only question. The need is present. This is a good investment. It is not a giveaway. I hate to hear that word "giveaway" uttered with relation to these research funds, which are used to seek cures for terrible scourges which afflict mankind. This money is not being given away, but it is being invested in the good health of the people of the Nation.

In my short time in the Senate of the United States I have seen five fine men of this body succumb to the scourge of cancer. I do not know if a cure for this awful disease will be found in my lifetime, but we must keep on trying.

We did not pick this figure out of thin air. We were given testimony from experts, men who are acknowledged leaders in the field of research in the great domain of medicine. We took their testimony, and on their testimony we predicated the figure of an increase of $136 million.

Who is to spend this money? Not the junior Senator from Rhode Island; not the senior Senator from Washington. This money is to be spent by experts who are telling us to go slowly in this field. Year in and year out critics have said we have appropriated too much; yet we find that the money appropriated was

not enough. This year the Budget Bureau gives us an estimate which is equivalent to the amount which last year was said to be $101 million more than could be spent.

If it were not for the aggressiveness, courage, conscience, and big heart of the distinguished Senator from Alabama [Mr. HILL], I doubt very much if we would have made the progress we have made.

Whereas, years ago we could save one out of four from the scourge of cancer, now we can save one out of three. In the millions of dollars in terms of human effort thus preserved, our investment is truly wise. In the saving of human suffering and tragedy, our investment is beyond all price.

I take this occasion to say, Thank God we have in the Senate a man who is willing to stand up and fight and fight and fight for the health and well-being of the people of this great Nation of ours. I compliment him with the highest sentiments of admiration and gratitude for the tremendous work he has done.

Mr. HILL. Mr. President, I thank the Senator from Rhode Island for his very generous words. If the Senator from Alabama has been able to do anything in the field of medical research, in an effort to save the lives of our people, prevent human suffering, and wage war on premature death, it has been because of the fact that in any fighting he has undertaken, men like the Senator from Rhode Island have been at his side. No one has fought more valiantly and courageously, or with greater devotion to this cause than has the Senator from Rhode Island.

Mr. PASTORE. I thank the Senator.

Mr. JOHNSON of Texas. Mr. President, I wish to endorse every word the able and eloquent Senator from Rhode Island has just said. I subscribe fully to the sentiments he has expressed.

Mr. President, I rise to support the amount of $478 million which has been allocated for the medical research programs of the National Institutes of Health in fiscal 1960 by the Senate Appropriations Committee.

I am fully aware that this is an increase over the amount proposed by the administration for medical research during the coming year. As a matter of fact, the administration proposed exactly the same amount of money this year as it did last year.

This administration budget, if adopted, would mean that millions of dollars in new medical research projects, already approved by the scientific advisory councils, would have to be disapproved in fiscal 1960.

In a unanimous report signed by all Republican and Democratic members of the full House Appropriations Committee, the House exploded the argument that medical research should be curtailed to curb inflation and balance the budget. Let me quote a couple of sentences from that report:

> Actually, it is difficult to conceive of anything more anti-inflationary than a successful medical research program.
>
> It is obvious that disability is doubly inflationary—it reduces tax revenue on the one hand and it increases the expenses of Government on the other. It is equally obvious that medical research, which reduces disability and lengthens productive life, is doubly anti-inflationary—it increases tax revenue on the one hand and decreases the expenses of Government on the other.

Just a few weeks ago, in a magnificent speech advocating his international medical research bill, the senior Senator from Alabama, the beloved and able Senator HILL, who is an authority in the halls of Congress on all health and medical matters, presented some dramatic figures on the achievements of medical research over the past 50 years.

The Senator quoted from a report of the Legislative Reference Service of the Library of Congress. It said that 23 million American lives have been saved by the advances of medicine and science since 1900.

Mr. President, at the beginning of the century, uncontrolled disease menaced the very future of this great democracy. The average American died in his mid-forties—in the very prime of his life. Think of what a tremendous productive loss this was to a nation which had just begun its transformation into a major industrial power.

Many distinguished historians have pointed out that the major obstacle to our conquest of the American West was not the difficult terrain, the rigors of weather or the Indian—it was actually unchecked epidemics of disease which constantly decimated the ranks of the gallant pioneers who settled the West.

In the childhood of many of us in this Chamber, diphtheria, typhoid fever, smallpox, pneumonia, tuberculosis, and a host of other diseases brought heartbreak to hundreds of thousands of American families. Few were the families in Texas or in any other part of the country, for that matter, who did not lose at least one beloved child to one of these major killers.

Mr. President, I think we sometimes forget how dramatically this picture has changed.

In 1900, for example, this country lost 600,000 infants in childbirth.

Last year, we lost only about 100,000.

To put it very simply, for every six infants who died in 1900, five were saved in 1958.

The average baby born today will live at least 70 years. Since World War II, mainly due to the increased knowledge gained by accelerated research programs such as that advocated by the distinguished Senator from Alabama, we have added 6 precious years to the average American life. In that short period, 1,800,000 lives were saved due to medical research.

I have not the slightest doubt that I would not be standing here today but for the research which has been done in the past few years in connection with heart disease.

It is estimated that, in 1958, the people saved from death over the past 14 years earned approximately $3½ billion in income annually. In turn, these people paid to the Federal Government $623 million in taxes annually. This was three times the amount of money invested by our Government in medical research in 1958. This does not take into account the disabilities avoided and productive time saved by these people for the economy of the United States.

However, cold statistics do not begin to tell the whole story. For example, while we are beginning to achieve remarkable breakthroughs against cancer, it is still true that cancer kills 250,000 Americans each and every year, among whom there are thousands of children.

Over the past decade alone, cancer has claimed the lives of five members of this body: Kenneth Wherry, who was the minority leader at the time; Robert A. Taft, his successor as minority and then majority leader; Arthur Vandenberg, a tower of strength in the formation of our modern foreign policy; Brien McMahon, and finally the beloved Matt Neely who, by a bitter twist of fate, died of the disease which he had been fighting legislatively in the halls of the Congress for more than 20 years.

Cancer has killed many of our military heroes whom enemy bullets failed to stop: "Vinegar" Joe Stilwell, Gen. Hoyt Vandenberg, Gen. Claire Chennault, and many more. Only a few weeks ago General Twining, Chairman of the Joint Chiefs of Staff, underwent and operation for cancer of the lung.

By another ironic twist of fate, the Senate Appropriations Committee hearings on the budget for the National Cancer Institute for the coming year were held on the very day that our great Secretary of State, John Foster Dulles, was laid to rest. The senior Senator from Alabama dedicated that morning's deliberations to the memory of John Foster Dulles, and I now quote from his deeply moving statement that day:

> What more fitting, more meaningful, or more reverent memorial to the great contributions which John Foster Dulles made to his beloved country could there be than a higher resolve on the part of those of us assembled here and elsewhere throughout this great land to redouble our research efforts against the monstrous killer which struck Mr. Dulles down and which will claim the lives of 250,000 more Americans before this year has ended?
>
> It is indeed fitting that we dedicate these hearings this morning to both the memory of John Foster Dulles and to the hope that our deliberations here today may serve to bring closer the day when medical research will wipe this infamous disease from the face of the earth.

Mr. President, cancer is a personal tragedy, it is a family tragedy, but it is also a national tragedy which sometimes strikes at the very core and strength of our posture in the free world. Its deadly stranglehold upon the fiber of our democracy was nowhere better assessed than in a brief editorial which appeared several days after the death of John Foster Dulles in the Machinist, the official publication of the International Association of Machinists:

> For 6 years the Communists tried every trick in the book to get John Foster Dulles out of their hair. What the Commies couldn't do to our former Secretary of State, cancer did.
>
> We may know how to defend ourselves against the Communists, but recent events prove again that our defenses against cancer are inadequate and ineffective. It is time to strengthen our national defense against cancer.

Mr. President, many American doctors who have visited Soviet Russia over the past few years have come back and reported to us that Soviet progress in the field of medical care and medical research has been truly amazing.

Recently an official medical mission from the U.S. Public Health Service headed by Dr. Thomas Parran, a former U.S. Surgeon General, described Russian progress in medicine since 1917 as impressive as the appearance of sputnik. In their report, they noted that Russia had worked out a massive 15-year plan for the medical research conquest of cancer and heart disease.

From the time of the revolution which overthrew the czars in 1917, the Russian economy was seriously threatened by the ravages of disease. In fact, the civil war that followed the revolution of 1917 unloosed a series of disease epidemics which killed millions of Russians.

An official report disclosed that Russia's death rate was approximately twice that of the West, and that the average Russian worker had a life expectancy of only 40 years. The report emphasized the point that the industrial development of Russia could come only from the increased production of the workers and peasants.

As a result of this report, over the past 40 years the Russians have constantly diverted scarce materials and manpower to the promotion of health.

What have the results been? The length of life of the average Russian citizen has been increased from 40 years at the end of World War I to approximately 67 years today.

The massive Soviet health system now boasts 2,750,000 employees. Furthermore, Russia is turning out 16,000 doctors a year, more than twice the annual output in this country.

In proportion to its population, Russia now has 25 percent more doctors than we have in America. It has been reported by reliable medical sources that Russia is training 2,000 doctors a year for work in the underdeveloped countries of the world.

By way of contrast, because of the critical doctor shortage in this country, 25 percent of our hospital staffs are composed of foreign-trained doctors.

Testifying before the Senate Appropriations Committee earlier this year, Mr. John T. Connor, president of one of this country's largest drug houses, issued this sober warning to this country in discussing our major offensive to win the allegiance of the free peoples of the world:

> Because of our concentration on physical and financial capital, we are inclined to forget the importance of human capital, which is both the means and the end of industrialization.

Mr. Connor warned the Senate committee:

> This concept of the relation between human capital and economic growth could turn out to be decisive as the Soviets set forth to meet the rising expectations of Asia, Africa, the Middle East, and even Latin America with a program of health, development, and communism.

Mr. President, we do not have excess resources of manpower in this country. Furthermore, the nations of the free world are far outnumbered by the vast populations of the Communist nations. Our most precious capital resource is still, and always will be, the health and well-educated individual.

It has been conservatively estimated that the major killers and cripplers of our time cause a $30 billion annual loss to the American economy. One million and seven hundred thousand Americans die from disease, but 20 to 30 million Americans are incapacitated, either fully or partially, by a whole host of disabling diseases.

Mr. President, I wish there were time to detail the ways in which disease is cutting into our economic system. But let me give you the figures on just one disease, considered by most people a relatively unimportant and undramatic one. It does not kill, but it disables over a long period of time.

Arthritis, which afflicts 11 million Americans, disables 1 out of every 10 persons over the age of 14. It causes the loss of 80 million workdays each year; this is the same as if 320,000 persons were removed from the work rolls of the Nation each year.

Furthermore, 12 percent of all permanently and totally disabled persons in this country receiving public assistance from State and Federal sources suffer from this disease; the annual relief bill for the support of these people exceeded $125 million last year alone.

Mr. President, the only way to stem the heavy economic costs of disease, which produces inflation by adding to Government expenditures, is through accelerated medical research. Furthermore, one of the major ways to increase these tax revenues and reduce these deficits is through an accelerated medical research program which will add additional workers to our productive economy, who cannot produce now and will not produce if they are hit by one of these dread diseases.

In our present financial situation, I believe that every Member of the Senate can fully agree on this: We need more taxpayers, and we need fewer tax recipients. Medical research is totally dedicated to the accomplishment of this objective.

I applaud the dedicated and diligent efforts of the subcommittee and the members of it on both sides of the aisle led by the able senior Senator from Alabama [Mr. HILL]. I hope and trust and pray that as a result of their vision and their efforts, the day will come when we will drive from the face of the earth these dread diseases which cost so much in pain and suffering and money each year we live.

Mr. HILL. Mr. President, as the chairman of the subcommittee, and on behalf of the subcommittee, I thank the distinguished Senator from Texas for his very kind and generous words. I also thank him and heartily congratulate him for the very eloquent, challenging, and compelling speech he has made in the Senate today. Certainly no one could have heard his speech without being moved, without being inspired to move forward all the more consistently and courageously in the battle against these dread diseases and for the health of the American people.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the passage of the bill, so that Senators will know there will be a yea-and-nay vote on its passage.

The yeas and nays were ordered.

Mr. NEUBERGER. Mr. President, it was my privilege, when the hearings to consider funds for the National Cancer Institute, were opened by the distinguished Senator from Alabama, to be the first witness. I was the first witness at his request. I had the privilege of sitting at the witness table between two of the greatest cancer researchers in our country or in any other country—Dr. Sidney Farber, of the Children's Cancer Research Foundation, and Dr. Isadore S. Ravdin, of the University of Pennsylvania Medical School.

Although I cannot speak for him, I believe the Senator from Alabama asked me to be the first witness not only because I had taken a profound interest in the cause of medical research, but because I have had cancer.

I desire to associate myself with what the majority leader, the distinguished senior Senator from Texas [Mr. JOHNSON], said a few minutes ago. Senator JOHNSON said that he may owe his own life to the research undertaken so successfully by the National Heart Institute. I think I may collaborate with the Senator from Texas by emphasizing that I owe my own life to the research undertaken by the National Cancer Institute.

Mr. KEATING. Mr. President, will the Senator yield at that point?

Mr. NEUBERGER. I am glad to yield.

Mr. KEATING. I simply make the comment that if the appropriations for medical research have had any force in bringing about both of those results, or either of them, they have surely proved their effectiveness. I shall certainly support this increased amount for medical research.

Mr. NEUBERGER. The Senator from New York is characteristically kind. We are delighted to have his very influential and enthusiastic support.

Mr. President, I often wonder why it was that in the past so little had been spent on medical research, and that the investments which should have been made were not made until we had the leadership provided by persons like the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. MAGNUSON], the Senator from Nevada [Mr. BIBLE], the Senator from Texas [Mr. JOHNSON], and many others.

I think there is a curious fatalism which obsesses us all. Each of us thinks that it will be the other person who will have a coronary attack, or the other person who will have cancer. I believe we move through life perhaps in blissful ignorance of what awaits us. I know that that was my own particular situation.

My wife and I were ready to go to the beach at Gearhart, Oreg., one afternoon on our vacation. It was the day we arrived home from the last session of Congress, in August. We had planned to leave in about an hour. She had started to pack the car.

I said, "Don't pack the car anymore. Do the things around the house which have to be done before we go away. I am going to see our family doctor about a sore in my mouth which has been troubling me."

I went to see him at 3 o'clock in the afternoon about the sore in my mouth. He looked at it and said, in effect, "That is nothing. Gargle with warm water."

He went to the wash basin in the examining room, washed his hands, and began to dry them on a towel. I was ready to go out of the examining room to start on my vacation. Just as I was about to go past the doctor, he said, "I haven't look at you for a while. I think I should. Take off your clothes and get up on the examining table."

The doctor said later that he would never know exactly what moved him to say that at that particular time. But 60 second later he looked at me, and my blood ran cold when he said, "DICK, I don't like this one bit. This does not belong in you; it belongs in a jar. We are going to get it in a jar tomorrow morning at the Teaching Hospital."

That night, instead of being on our way to our vacation, I lay at the Medical School Teaching Hospital, convinced I was going to die, because the doctor had told me I had cancer. The sore in my mouth had been innocent. The cancer produced no symptoms; not even one, single iota of pain.

The next afternoon, after the operation, when I came out of the anesthetic, the doctors were sitting in my room. They were grinning. I thought it was a horrible nightmare and that actually I had died.

The doctor who had diagnosed the tumor said to me, "We think you are going to be all right."

I said, "I do not believe you. You are trying to keep me from being overcome with terror and fright."

"No," he said, "we think you are going to be all right. If the permanent section, tomorrow, confirms the frozen section which Dr. Hunter, the pathologist, has under his microscope in surgery now, we are confident you will be all right."

I said through the aftermath of the anesthetic, in my panic, "What do you mean?"

He said, "Well, the preliminary diagnosis is that of a tumor which is responsive to radiation. There are certain types of tumors which are responsive to radiation. If the permanent section, which will be ready tomorrow, confirms the preliminary diagnosis, we are very confident that you will be all right."

Then followed a long course of radiation therapy under a cobalt 60 machine. I never laid there, each morning, without blessing the whole long procession of people interested in medical research, who had over the decades and over the years produced the device which was saving my life.

Later I received a letter from one of the great medical researchers of our country. In effect, in the letter, he said: "Through the funds made available to the National Cancer Institute, these improved methods of radiation, such as cobalt, have been developed. If it were not for that, your chance of recovery would be much less, and your course of treatment would be far more painful and uncomfortable."

So I finally realized more fully something which I had often said—namely, how urgent and important medical research is to all the people. All at once I learned that I was dependent upon the product of medical research in order to live. Of course, I was fortunate enough to have had what was called a radiosensitive tumor. If that had not been the case, the doctors have told me I would not be alive now. But if funds had not been available, through the leadership of the able Senator from Alabama [Mr. HILL] and others, especially in the National Cancer Institute, the marvelous device which saved my life would not have been available.

So all I can say to Senator LISTER HILL is: "Thank you very much for helping to save my life."

I doubt that anyone can say more than that. I wish I could phrase my sentiments more eloquently. I wish I could use more expressive language. But sometimes, I think, understatement is what should be employed.

I say to you, Senator HILL, that whatever I may do in my future and in my career, you are partly responsible for it, because if it were not for you and for the medical research which was made possible by your leadership, I would not be here.

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

Mr. NEUBERGER. Of course I yield.

Mr. HILL. The Senator from Oregon has been generous to me; I am deeply grateful to him. But, as I said earlier, the action of Congress in providing funds for medical research, to obtain the knowledge, and to secure the information which has made it possible to save the life of the Senator from Oregon, has resulted from the efforts of many persons, particularly the efforts and the fighting for the cause by many Members of Congress.

If the Senator from Alabama has been able to make any contribution to the cause, it has been due to the fact that many other Members of Congress have stood by our side through the years and have fought hard and valiantly that we might wage the battle against cancer and the other dread diseases, and the battle for health for the American people.

Mr. NEUBERGER. The Senator from Alabama is characteristically modest. Yet, I think all the persons who have worked with him, including the Senator from Rhode Island [Mr. PASTORE] and the Senator from Washington [Mr. MAGNUSON], will concur in what I say: That without his leadership, these gains would not have been possible.

Mr. President, the July issue of the American Legion magazine contains an excellent article headlined "What We Now Know About Cancer," written by Tom Mahoney, an able journalist. The article sums up in concise fashion the current status of research work in this area of disease study. I ask unanimous consent that it, together with a special newsletter supplement issued June 20, 1959, by Prentice-Hall and entitled "Can We Buy a Cure for Cancer," be printed at this point in the RECORD.

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

[From American Legion magazine, July 1959]

WHAT WE NOW KNOW ABOUT CANCER

(By Tom Mahoney)

One of the most tragic nights for American arms in World War II was lucky for cancer research. On December 3, 1943, the port of Bari, Italy, was jammed with ships unloading supplies for our forces which then had a tenuous foothold on the southern third of the country. In the center of the vessels was the *John E. Harvey*, a Liberty ship loaded with high explosives and also 100 tons of nitrogen mustard gas in aerial bombs.

At 7:30 p.m., enemy bombers struck. Sixteen ships blew up and sank. Though not hit directly, the *Harvey* and all her crew disappeared in a gigantic explosion which sprayed poison gas over the harbor which was already covered with burning oil, smoke, flames, exploding munitions, and sinking ships.

Medical officers who treated survivors observed that one of the effects of the mustard gas was interference with the body's mechanism for producing blood cells, especially white blood cells. As this is exactly what is needed to control the form of cancer known as leukemia, it pointed the way to the development of nitrogen mustard compounds and other chemicals for at least the temporary control of certain forms of cancer. Col. John A. Alexander's report on the Bari injured was termed "a classic medical paper" by Dr. Cornelius P. Rhoads, director of the Sloan-Kettering Institute for Cancer Research.

Since then thousands of chemicals, 40,000 in 1958 alone, have been compounded, principally by pharmaceutical companies, as potential anticancer weapons. It is an extremely difficult task. The drug must combat cancer and at the same time not do too much harm to the rest of the patient. As one scientist explains, it is "like finding something that will take off a rabbit's right ear while leaving the left one unharmed."

Ninety-eight of these drugs have survived animal tests and now are being used in the treatment of human patients in some 150 hospitals including many of the Veterans' Administration. The lives of many children suffering with leukemia (which takes a greater toll of children between the ages of 5 and 14 than any other disease) are being prolonged months and sometimes years by chemicals pioneered by American Cyanamid's Lederle Laboratories at Pearl River, N.Y., and Burroughs Wellcome & Co. at Tuckahoe, N.Y.

National Cancer Institute researchers recently found that, for the first time in medical history, a rare but previously invariably fatal solid human cancer, choriocarcinoma, can be suppressed by methotrexate, one of the Lederle drugs. Fourteen of sixteen women with this rare cancer, a tumor in the uterus before or after childbirth, are alive and 11 are free of symptoms and living normally 3 years after treatment. Dr. Roy Hertz of the Institute received an award from the American Association for the Advancement of Science for his work with this drug.

Promising anticancer drugs, some of entirely different types, also have come from

Parke, Davis & Co. in Detroit, Eli Lilly in Indianapolis, Abbott Laboratories in North Chicago, Upjohn in Kalamazoo and Merck in New Jersey. E. R. Squibb & Sons opened a new laboratory in New Brunswick, N.J., last year and will spend $7 million on cancer studies in the next 5 years. At its John L. Smith Memorial for Cancer Research in Maywood, N.J., Chas. Pfizer & Co. this year is spending $800,000 of its own and $1.2 million in Government funds screening antibiotic broths for anticancer activity. Schering Corp. at Bloomfield, N.J., and Bristol Laboratories at Syracuse, N.Y., also have cooperative Government research contracts.

These and other developments since the Bari disaster cause Dr. Rhoads, Dr. John R. Heller, director of the National Cancer Institute, and other cancer leaders to be cautiously optimistic. Some leaders of the American Cancer Society expect cancer may be controlled within our lifetime. In a Chicago address this year a Pfizer executive went so far as to predict a cancer cure by 1965.

But there are serious hurdles. Cancer has been recognized and studied since 400 B.C. when Hippocrates observed the often crablike appearance of the spreading lesions and gave the disease its name. Though more has been published about cancer than any other disease, our knowledge of it still is appallingly small. Sir Winston Churchill's words "a riddle wrapped in a mystery inside an enigma" are more applicable to cancer than they are to Russia.

Researchers cannot even agree as to whether cancer is a single entity or several diseases. Pathologists incline to the latter theory and say some cancers are as different as such diseases as smallpox, diphtheria, and malaria. Many biochemists, however, believe that all cancers—despite their variety and their different response to treatment—are essentially the same, and that all cancer cells have a similar submicroscopic chemistry. There is, of course, no generally accepted explanation of why the body's cells become cancerous and run wild to invade and destroy other tissues.

Cancer is increasing, not declining. Among children, it is second only to accidents as a cause of death. But it strikes most frequently among adults and often at the peak of their careers. Some of the best known recent cancer patients have been Arthur Godfrey, former Secretary of State John Foster Dulles, Senator Richard L. Neuberger, and Senator Robert A. Taft. It also hit Generals Hoyt S. Vandenberg and Joseph W. Stilwell, Gertrude Lawrence, Dr. Enrico Fermi, Babe Didrikson Zaharias, Humphrey Bogart, Eddie Duchin, and Babe Ruth.

Most experts agree that cancer is on the rise because it parallels the lengthening span of life. By reducing deaths from infectious diseases, we actually have increased the amount of cancer among us. If the present rate of increase continues, the annual death toll will double in the next 50 years. Massachusetts has the highest cancer death rate. New Mexico, Utah, and North and South Carolina have the lowest.

While the death rate of women from cancer has declined 15 percent in as many years, the death rate of men from cancer, especially lung cancer, has increased. Perhaps because of greater exposure to X-ray equipment or, as some theorize, from increased radioactive fallout from atom-bomb experiments, there also has been a sharp rise in leukemia. This hits adults as well as children.

Cancer kills about 700 Americans a day. Unless something unforeseen is discovered, 40 million persons now living will develop cancer and 26 million of them will die of it. As a cause of death in the United States cancer advanced from seventh place in 1900 to second in 1938 and continues to hold this rank. One out of six deaths is now a cancer death. Only heart disease kills more. In 31 foreign countries cancer is the leading cause of death.

Fortunately there is another side to the picture. More has been learned about cancer and more progress made toward its control since World War II than in all previous human history. In 1938 one out of four cancer patients was saved. Last year it was one out of three. Some definite gains are these:

1. More than 800,000 Americans who have had cancer are now alive and free from it 5 years or more after its diagnosis. Half of the 450,000 new cases of cancer that will be found this year can be saved by treatment now available if it is obtained promptly.

2. Tests now detect early cancer with greater accuracy than in the past, and new electronic devices for swift and precise identification of cancer cells are being developed. The vaginal smear test of Greek-born Dr. George N. Papanicolaou has saved the lives of thousands of women with unsuspected uterine cancer. At 75, he is still studying cancer at the Cornell University Medical College in New York.

3. Surgery, the principal answer to cancer since Galen, is safer than ever before, thanks to infection-preventing antibiotics, improved anesthetics, and blood-tranfusion techniques. Removal of a mouth cancer in a secret operation saved the life of President Grover Cleveland in 1893. In recent years better surgery has greatly reduced abdominal cancer mortality. A new operation which has restored speech to some people whose larynxes have been removed because of cancer was revealed this year by Dr. John H. Conley, of New York.

4. Radiation, used against cancer since 1899, now is more effective than ever, thanks to multi-million-volt X-ray machines, betatrons, and the peacetime byproducts of the atom bomb. The last include radiocobalt, radioiodine, radiophosphorus, and radiogold. Radiation supplements surgery and also is used to treat inoperable cancers.

5. New chemicals useful against cancer, in addition to those named, include the synthetic adrenal hormones of the cortisone family and the synthetic sex hormones which are of definite value in cancer of the prostate in men and breast cancer in women. Dr. Charles Huggins, of the University of Chicago, and others, have found that administration of male hormones helps control the latter and female hormones help control the former.

6. Funds for cancer research have increased a hundredfold since 1944. While more money can still be used, $76 million a year in public and private funds is now being spent on what the American Cancer Society terms "the greatest and costliest single undertaking in medical history."

Although the Roswell Park Institute at Buffalo, Memorial Hospital in New York, Harvard University, and a few other institutions had research programs, there never was as much as $1 million a year available for cancer research before World War II. The American Society for the Control of Cancer, a medical lay organization dating from 1913, had less than this for all its activities.

Under the leadership of Elmer H. Bobst, Emerson Foote, the late Albert Lasker, and others, this group was reorganized as the American Cancer Society in 1944. That year it raised $850,000. The next year it raised $4 million, and since then $250 million.

Moved by the fate of his friend, Damon Runyon, who first lost his voice and then his life from a throat cancer, Walter Winchell, the columnist, in 1946 started the Damon Runyon Memorial Fund for Cancer Research. It has since raised $13.5 million, nearly $1 million from the Fraternal Order of Eagles alone. All of this money has been devoted to research. Runyon's death, incidentally, was an example of the tragedy of unsuspected cancer. He learned of it from a veterinarian who noticed his speech when he brought a dog in for treatment.

The personal element also figured in several other anticancer projects launched at the time. The late Charles F. Kettering, whose wife and two sisters died of cancer, joined his General Motors colleague Alfred P. Sloan in establishing the Sloan-Kettering Institute for Cancer Research in New York as "a cancer university." It was started with a $2 million building and the same amount to finance its work for a decade. The institute soon will have, at Rye, N.Y., a new $4 million building for research in chemotherapy. Called the Walker Laboratory, it was built with Government assistance. In Newark, N.J., eight women friends of a young woman who died of cancer at 28 formed the Ruth Estrin Goldberg Memorial for Cancer Research and raised $100,000 for it by stunts such as running a filling station for a day and soliciting funds in burlesque shows.

Pursuit of research related to but independent of the explosion at Bari led the private pharmaceutical industry to invest millions in cancer work. On the decision of its late President William B. Bell, a Quaker who believed in bold research, the American Cyanamid Co. began a program on which it has spent more than $5 million. In the tradition of its American-born founder, Sir Henry Wellcome, who kept a research laboratory "much as another man might like to support a racing stable," Burroughs Wellcome & Co. has conducted costly cancer research both in America and England.

Drs. R. B. Angier and Robert Stokstad and other Cyanamid scientists isolated and in 1945 synthesized folic acid, a vitaminlike material found in the foliage of certain leafy plants. A daily supply of folic acid is vital for the growth and survival of all cells.

This led students of cancer, such as Dr. Sidney Farber of the Children's Hospital in Boston, to believe that a variation of folic acid might starve, poison, or otherwise halt the growth of cancer cells. By substituting other chemicals for various parts of folic acid, researchers of Cyanamid's Lederle Laboratories produced a series of folic acid antagonists. These function by displacing or preventing folic acid from acting in living cells.

One folic acid antagonist is Aminopterin, first made in 1947. Dr. Farber found that oral doses of it temporarily halted the advance of leukemia in children. In one remarkable case it was given for 6 years to a boy with an apparent intestinal cancer. He grew up to be a 6-foot, 4-inch National Guardsman with no further trouble. Methotrexate, already mentioned, was developed the next year. Other companies have since developed many other drugs to fight cancer.

The American Cancer Society meanwhile has raised increasing amounts for its work, and Government appropriations for the National Cancer Institute at Bethesda, Md., have been increased sharply. The society's contributions increased to $13.25 million in 1948. The Institute's appropriation rose from $548,000 in 1946 to $14.5 million in 1948. The society now raises about $30 million a year; and the National Cancer Institute, having had its funds doubled in a single year, has $75,268,000 annually.

Seventy percent of the Institute's money and about 30 percent of the society's go for research, the remainder principally for education and help to cancer patients. Nearly $1 million of the Veterans' Administration funds and $3.4 million from the Atomic Energy Commission also are being used for cancer research. The funds available for

research in this field are greater than ever before.

Much of the money is going into the search for chemical compounds that will shrink or destroy cancers, and the testing of them on cancers in mice and other animals. Antibiotics as well as synthetic chemicals are being tested. In addition to numerous university and hospital contracts, the Government has contracts totaling more than $11 million with more than 100 private companies for laboratory work of this sort. The program is handled by the Cancer Chemotherapy National Service Center, set up in 1954 at Bethesda, and is guided by a committee which includes top Government and industry researchers. A 1958 decision of the Department of Health, Education, and Welfare allows a company patent rights on any cancer drug it discovers in the course of the program as long as it can produce it economically and meet all demands.

Many more projects are concerned with the basic enigma: Why some of us develop cancer and, equally important why some of us do not. "We want to find what makes cancer cells tick," explains an Eli Lilly researcher in Indianapolis, and where to throw the monkey wrench to make them stop ticking." A National Cancer Institute scientist explains that a cell is malignant because of an added "something" which it didn't have before, or the lack of "something" which formerly regulated its growth. The problem is the "something."

The mass effort to find it involves statisticians; convict volunteers in Ohio State Prison and elsewhere; mice breeders and millions of mice; and hundreds of chemists, pathologists, physicians, surgeons, and others in scores of institutions. It involves the Sloan-Kettering Institute and the complex of hospitals and laboratories forming the Memorial Center for Cancer and Allied Diseases in New York; the Atomic Energy Commission's great Argonne Cancer Research Hospital at the University of Chicago, and AEC installations at Oak Ridge and Brookhaven; Dr. Paul Burkholder's antibiotic laboratory at the Brooklyn Botanic Garden, which has screened 100,000 molds; and the National Cancer Institute's own laboratory and hospital at Bethesda where 500 scientists, technicians, and laboratory assistants have 250 research projects underway. Groups at Columbia, Mo., and Houston, Tex., are doing promising work.

While the mechanism by which they do their evil remains a mystery, certain irritants are known to cause some forms of cancer. As far back as 1775 Dr. Percival Scott, a surgeon of St. Bartholomew's Hospital in London, observed that chimney sweeps developed cancer of the scrotum because some of the soot in which they worked became lodged in this part of their body. Later it was found that soot contains a cancer-causing chemical. Forty-two women who put their brushes into their mouths while painting luminous watch and clock dials at an Orange, N.J., plant later died of cancers of the blood, bone, or brain. This established radium paints as a cause of cancer. Certain coal tar chemicals, excessive sunlight, X-rays, radium rays, certain compounds of arsenic and anilin dyes induce cancerous growths.

Whether the tars and nicotine of cigarette smoke are to be added definitely to this list, of course, is a matter of heated controversy. The American Cancer Society and investigators such as Drs. Alton Ochsner, of New Orleans, and Ernest L. Wynder, of New York, believe the facts implicate cigarette smoking in the rise of lung cancer. Evidence for this is strong enough to have popularized filter-tip cigarettes. Some eminent medical men say that the cases are unproved. They point to the fact that Senator Taft, a nonsmoker, died from lung cancer and add that the majority of smokers do not develop it. Dr. Arthur J. Vorwald, of Detroit, is one of the researchers doing important work on lung cancer.

Because lung cancer seldom is diagnosed in time for cure, and only about 5 percent of all cases are saved, the Veterans' Administration and the Cancer Society last November embarked on a new $2 million study designed to improve diagnostic procedures. The study will last for at least 3 years in VA domiciliaries in Los Angeles, Calif.; Dayton, Ohio; Wood, Wis.; Biloxi, Miss.; Bay Pines, Fla., and Martinsburg, W. Va. These centers house approximately 12,000 men during a year. The vast majority of the men are over 50—in the "lung cancer age."

All admitted to the centers during the first 3 years will be studied semiannually. Every 6 months each will have a chest X-ray and sputum examination. Three radiologists will examine each X-ray, and four of the best pulmonary cytologists in the country will receive the sputum preparations for study. This is the first program of periodic cytologic examination for lung cancer ever undertaken.

Dr. Dean F. Davies, the Cancer Society's administrator for research on lung cancer, said that all residents in these centers will be given the best lung-cancer-detection, diagnostic, and treatment services medical science has to offer.

"The study will teach us several things," Dr. Davies said. "We should learn whether chest X-rays or sputum tests can detect significant numbers of lung cancers before symptoms appear. If the symptomless cancers can be detected, we should learn whether they are curable. We will look for evidence on the role of environmental factors such as smoke, atmospheric pollutants, and industrial wastes, clinical histories of earlier diseases, and other factors among these populations."

All 171 VA hospitals have begun a long-term survey to provide information on cancer patients. The data will include material on diagnosis and results of treatment for cancer, clinical information needed for research and epidemiological studies, and statistics useful for planning purposes. The hospitals will report followup studies of discharged patients.

VA hospitals are admitting approximately 35,000 cancer patients yearly, and have an average daily cancer patient load of more than 4,000. A continual increase in the number of cancer patients admitted to VA hospitals may be expected as the veteran population ages.

Dr. Ludwik Gross, of the Bronx VA Hospital, is one of the foremost scientists gaining research support for the idea that cancer is caused by viruses. He was able to induce leukemia in mice with a filtrate containing no cells but possibly virus particles. Dr. Wendell Stanley, a University of California virologist who received a Nobel Prize, believes it important to learn more about the relationship of viruses to cancer. So does Dr. Steven O. Schwartz, of Chicago's Hektoen Institute. As early as 1911 Dr. Peyton Rous, of the Rockefeller Institute for Medical Research, proved that a virus caused cancer in chickens. Dr. Ferdinand C. Helwig, of St. Luke's Hospital, Kansas City, Mo., reported finding viruslike particles in human cancer of the colon. If viruses are responsible for cancer, and if they can be isolated, there is hope of a vaccine for cancer. In fact, Dr. Charlotte Friend, of the Sloan-Kettering Institute, and others have developed vaccines for certain mouse cancers.

The search for something unique in cancer tissue which might be used to enhance the body's defenses against cancer has turned up a compound called cytolipin H. This has been isolated from more than 20 different specimens of human cancer. It was found in trace amounts in only one normal tissue, the spleen. A related substance, malignolipin, also isolated last year, has been found only in cancer tissue.

Evidence of natural resistance to cancer was uncovered with verification of 30 cases of "spontaneous regression," the disappearance of cancer for no known reason. These were added to 47 cases previously identified, and they represented a wide variety of cancers.

Studies were made of properdin, which occurs in the blood and appears to be deficient among persons with advanced cancer. The question now to be answered is whether the cancer depresses properdin production or whether lack of properdin permits the cancer to grow. Volunteers among prison inmates who permitted themselves to be injected with live cancer cells, which they promptly rejected, showed high levels of properdin. Advanced cancer patients who also volunteered for similar experiments rejected the cells slowly, if at all, and had extremely low levels of properdin in their blood.

With so many projects involving so many scientists, including many elderly investigators who are desperately anxious to achieve something noteworthy before their careers end, there may be early breakthroughs. Then again, there may not; and some of the 1,000 investigators supported by the American Cancer Society in 117 research centers are working on very long-range projects.

Dr. James Melford Price, of the University of Wisconson, received the society's first lifetime grant of $392,296 to study metabolic disturbances of cancer patients. The Roswell Park Memorial Institute this year received $188,510 to support the epidemiological research of Dr. Morton Levin for 10 years; Harvard, $201,400 for the biochemical work of Dr. Lewis L. Engle for 17 years; and Vanderbilt University, $432,000 for work in the same field by Dr. Sidney P. Colowick. These grants compare with $500,000 invested earlier in the work of Dr. Papanicolaou and $900,000 in that of Dr. Huggins.

The World Health Organization and most foreign countries, including Russia, also have cancer research programs. The next meeting of the International Cancer Congress, at which researchers from all parts of the world exchange information, is scheduled for Moscow in 1962.

"If we were to find a cure for cancer," said a scientist recently, "it would be as much a propaganda victory for the United States as the pioneer moon rocket." The speaker was not a medical man but Dr. Simon Ramo, one of the foremost developers of space missiles.

CAN WE BUY A CURE FOR CANCER?

"I've got cancer!" The shattering, mind-searing impact of this discovery strikes 450,000 Americans every year. It has been estimated that, unless a preventive or cure is found, 40 million men, women, and children now living will be stricken by cancer, and 26 million of them will die from it. Can the U.S., through massive Federal appropriations, "buy" a cure for this vicious disease? Opinion splits sharply on this crucial issue. But the evidence weighs heavily in favor of vast new expenditures to achieve a quick scientific breakthrough against the Nation's No. 2 killer.

Cancer is not only profligate with human life—it also exacts a staggering economic toll. The 700,000 U.S. cancer cases under treatment at any given time run up $300 million in hospital bills annually. The disease cost employees about $175 million in wages in 1958. Employers lost about 113,000 man-years in production. Who can even begin to measure the inestimable loss to the Nation from the premature death of such cancer victims as Enrico Fermi, outstanding atomic scientist, or John von Neumann, one of the world's most brilliant mathematicians?

Viewed from either the humanitarian or the more impersonal economic standpoint, there would seem to be no dispute that the

campaign against cancer should be accelerated to the limit of the Nation's financial capacity. But no such unanimity exists. President Eisenhower, questioned on the need for expanded Federal assistance to medical research, replied that "we are doing a pretty good job." He defends his $75 million hold-the-line request for cancer studies in terms of the need to balance the budget and curb inflation.

Proponents of increased Federal assistance brand the administration stand as niggardly. They charge the President is placing budgetary considerations above human life. On the House floor, Representative JOHN E. FOGARTY, Democrat, of Rhode Island, chairman of the Appropriations Subcommittee for Health, Education, and Welfare, charged that the President's budget for the National Institutes of Health "is not a responsible budget." Said he: "I do not believe we can apply flat mathematical restrictions to any single item of Federal financing without first considering the effect it has and will have on the lives of the people."

The House has already boosted the President's cancer allocation to over $83 million, and the Senate is considering a further increase, possibly to $110 million.

WHAT COULD NEW MONEY DO?

Opponents of proposals to pump vast new sums into Federal cancer research argue that the money could not be used effectively. They contend that shortages of trained personnel and lack of facilities and equipment limit experimental work. But advocates of more liberal outlays retort: Use the money to train more people through fellowships and clinical trainee assistance; obtain more qualified personnel through better salaries; build more special cancer laboratories; increase research grants to universities and hospitals; and boost contracts to pharmaceutical and other industries.

Senator RICHARD D. NEUBERGER, Democrat of Oregon, only recently treated for cancer himself, proposes that Congress appropriate $500 million for a crash program directed by the National Cancer Institute, one of the seven Institutes run by the U.S. Public Health Service. This fund would be available until expended, not subject to annual legislative review. NEUBERGER declares the continuing grant would insure stability and continuity, and thus better results.

WHAT ARE THE PROSPECTS?

Recent research advances and the shining promise for the future bolster the arguments for greater efforts in the fight against cancer. What has been accomplished? What are the chances for new gains? Here's a quick rundown:

(1) Causes of cancer: More and more scientists are convinced that viruses cause many types of cancer. Investigators have induced tumors in mice, rats, and hamsters with laboratory viruses. The scientists also have developed a vaccine 97 percent effective in immunizing such animals. Applying such findings to humans is, of course, a thorny problem. But discovery of the animal cancer virus and vaccine is considered a milestone on the road to prevention of human cancer. Study of tissue cultures—living cells outside the body—is an increasingly effective tool now being used by researchers like Dr. Jonas Salk.

(2) Early detection: Catching cancer in its early, localized stages is a paramount factor in improving the cure rate—now one in three. As stressed in Dr. Charles S. Cameron's "The Truth About Cancer" (Prentice-Hall, Inc.), half of today's deaths from cancer could have been prevented by early diagnosis and treatment.

It is estimated that the currently available vaginal smear test alone could save the lives of 38,000 women a year. Many researchers believe they are on the threshold of developing similar tests for many other forms of cancer.

Blood studies and development of instruments to detect early cancer by mechanical or electronic means also open promising avenues in diagnosis.

(3) Treatment of cancer: At present, cancer can be cured only by surgery or radiation. The limitations of these methods are now fairly well defined. Chemotherapy—treatment with drugs—furnishes the brightest hope for the future. According to the National Cancer Institute, this "chemical warfare" shows particular promise on leukemia and cancers which have broken free and spread to many parts of the body. Under the direction of the Cancer Chemotherapy National Service Center, about 40,000 chemical compounds a year undergo rigorous screening for anticancer properties. About 20 drugs already in use prove effective against 30 forms of cancer for periods ranging from a few weeks to several years.

Dr. John R. Heller, National Cancer Institute director, points up the high hopes for drug treatment: "Chemotherapy appears to offer the promise of breakthroughs in the control of cancer. The success achieved thus far anticipates the time when physicians will be armed with a number of chemical weapons with which to treat and cure cancer in man. It is impossible to say when this will happen, but the accomplishments of the national program in all likelihood will hasten eventual control of many types of cancer."

WHAT CAN I DO?

Recent death of John Foster Dulles, and the incapacitation of such public figures as Gen. Nathan F. Twining, Chairman of the Joint Chiefs of Staff, and TV star Arthur Godfrey, dramatize the acute need to raise the pitch of battle. Private organizations such as the American Cancer Society, the Damon Runyon Fund, and the Lasker Foundation are in the vanguard of the fight. The National Cancer Institute asserts that even a marked increase in Federal funds will not lessen the need for greater private giving—indirectly aided by the Government via special tax deductions for charitable contributions.

On the Washington front, the rising tide of public opinion eventually will exert the pressure necessary to inject more money into the research program. The Nation now spends nearly a dollar on military research for each penny allotted to cancer studies. A reappraisal of medical requirements is inevitable. How soon? Everyone can help shape the legislative will by writing or speaking to his Congressmen or Senators (check any almanac or your local political club for exact names).

The need is great and urgent. New funds aren't the whole answer. But they will speed the victory. Senator NEUBERGER eloquently states the case:

"Money alone won't buy a cancer cure. But without adequate funds to provide necessary research facilities and trained workers, new scientific findings will remain unexploited and new experimental leads unexplored. Results of lifting present financial restrictions which shackle the ingenuity of men's minds would be of significance to all medical research."

Mr. NEUBERGER. Mr. President, again I thank the able Senator from Alabama.

GENERAL GOVERNMENT MATTERS APPROPRIATIONS, 1960

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The hour of 1 o'clock has arrived; and the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7176) making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1960, and for other purposes.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1960

Mr. HILL. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed with the further consideration of the bill, H.R. 6769, making appropriations for the Departments of Labor, and Health, Education, and Welfare and related agencies.

There being no objection, the Senate resumed the consideration of the bill (H.R. 6769), making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1960, and for other purposes.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. ALLOTT. Mr. President, I rise to discuss this measure because I believe that certain elements of it have either been overlooked or have not been given sufficiently serious consideration. Despite that, however, Mr. President, I shall probably support the bill.

First, let me say that although I was a member of the Subcommittee on Health, Education, and Labor, I did not have an opportunity to attend the hearings on this bill, because the hearings of the Subcommittee on Appropriations for the Independent Agencies, under the chairmanship of the Senator from Washington [Mr. MAGNUSON] and of which I am the ranking minority member, were held at the same time; and obviously one cannot be in two places at once. That was the only reason why I did not attend the hearings on this measure, which deals with an area in which I have always had a very great interest.

As a matter of fact, Mr. President, I suppose there are a great many Members of this body, as well as a great many Members of the other body, whose very presence here is made possible by good medical attention, based upon research.

In the entire medical picture, it is necessary to consider not only medical research but also the doctors who are able to apply that research. It is necessary to have adequate and capable doctors at the local level, so that patients may be able to choose their own physician.

Mr. President, I pay tribute to the medical profession. I number among my closest friends literally dozens of medical men, some of whom are outstanding nationally and internationally in the medical field.

Certainly the Senator from Alabama [Mr. HILL] deserves the credit and the plaudits which have been paid to him today. But in connection with this measure, I believe I must call the attention of the Senate to a fact which I do not believe was discussed adequately in the course of the hearings.

Although I realize that at this time there is a strong inclination to provide

for almost unlimited research, I believe we must also keep in mind the fact—and I sound this warning for the future—that adequate research requires adequate numbers of trained personnel. Millions of dollars made available for research, but placed in the hands of untrained persons, would be almost valueless.

So today I wish to refer primarily to some statistics which have been brought to my attention, and which I believe should be available for the future. These statistics bear on what may be the impact of this bill upon the medical care available in this country.

On August 19, 1957, then Secretary Folsom appointed a group of consultants, nonpartisan in nature, which has become known as the Bayne-Jones committee. Those consultants undertook to develop, as an essential guide to planning, a projection of the potential rate of growth of medical research for a substantial period ahead. They estimated that by 1970 this country could support a total medical research effort of $1 billion a year, provided there occurred in the interim the necessary increases in the manpower and facilities devoted to medical research. The report emphasized, however, that such increases would have to be very substantial if we were to have a truly worthwhile, dedicated, and high type of research, such as is going on in the United States at this time.

Mr. President, I wish to say that I am sure no Member of the Senate has any interest in having research work done in a haphazard or inadequate manner.

Assuming a 40 percent increase between 1957 and 1970 in research costs per research worker, the projected increase to an annual rate of $1 billion would require an increase from the 1958 total of 20,000 professional workers engaged in medical research to a total in 1970 of 45,000 such workers. That means that in the period between 1958, when this report was made—just before Secretary Folsom's resignation and the appointment of Secretary Flemming—and 1970, we shall have to more than double the number of professional research workers in order to take care of such an increase in research funds.

This group pointed out, moreover, that even if its projections of the number of M.D.'s and Ph. D.'s to be trained between the date of the report—which was made in the latter part of 1957 or in the early part of 1958—and 1970 could be attained, "an additional 6,000 M.D.'s and/or Ph. D.'s beyond the supply now projected will be needed if the Nation's medical research program approximates the 1970 estimates."

The committee recognized that shortages of personnel engaged in the direct provision of medical care will also develop, and found that the total cost of the new medical school construction required to sustain today's population-physician ratio would range between $500 million and $1 billion, and that 10 years typically elapses between the planning of a new medical school and the production of its first graduates.

The committee said:

> Indeed, even if funds in the order of $500 million to $1 billion were made available immediately for construction of new medical schools, it seems certain that the number of physicians per 100,000 population will decline between now and 1970.

Most important of all, the consultants pointed out "that the soundest procedure is to increase funds for research on a regular and well-planned basis."

The Bayne-Jones report was completed only a few weeks before Secretary Folsom resigned. Secretary Flemming, shortly after taking office as Secretary Folsom's successor, requested the National Institutes of Health to undertake a detailed review of the Bayne-Jones report in order to lay the basis for a specific departmental position on each one of the report's recommendations. On the basis of this review of the recommendations of the Public Health Service, Secretary Flemming concluded that the following basic objective of the Bayne-Jones study is highly commendable:

> The desirability of establishing a long-range goal for medical research based on all factors known and recognized at the time, with the intent of moving systematically toward such a goal is accepted as a sound and wise approach.

Among the additional results of this review were the conclusions (1) that the target date for a research volume of $1 billion could be advanced from 1970 to 1967; and of this $1 billion, I might say, it is contemplated, on a nationwide basis, that $500 million would be contributed by the Government, and that private industry, private sources, endowments, and the like, would contribute the other $500 million.

The second conclusion was that this total amount should be about evenly divided, as at present, between the Federal Government and other sources of support. Assuming that the National Institutes of Health share also remained about the same as at present, appropriations to National Institutes of Health for research would reach the level of $350 million in 1967.

Again, however, it was apparent that these goals could be attained only if some rather optimistic assumptions with respect to the rate of manpower production could be fulfilled. The National Institutes of Health review corroborated the conclusion of the Bayne-Jones study that an additional 25,000 professional research workers would be needed to reach a level of $1 billion a year.

In other words, if we are going to reach the level of $1 billion a year by 1967, there will be needed an additional 25,000 workers, or more than double the number we have now in the way of doctors—that is, M.D.'s or Ph. D.'s, presumably in the scientific field.

More than half of the required workers would be at the doctoral level. At the present time the annual number of medical graduates is about 7,000.

When I quoted this figure to the chairman of the committee yesterday, he said that his latest figures indicated there were about 7,500 graduates.

Any of us who have had any experience with education knows that the medical training facilities of this country today are so overcrowded that the number of applications for admittance to our medical schools runs in a ratio of as high as 10- and 14-to-1 vacancy. In other words, the number of applications is as high as 14 for each vacancy. Sometimes, I am sure, the number of applications in comparison to the one person who is accepted by a medical school is higher than stated, particularly in the so-called name medical schools.

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

Mr. ALLOTT. I am happy to yield.

Mr. HOLLAND. I am called from the Chamber. I apologize for interrupting at this point, but before I leave the floor I want to verify the statement made by the distinguished Senator from Colorado. In one of the great colleges in the southern region of the Nation, of which I happen to be a trustee, the ratio of applicants to those who can be accepted has been, in recent years, just 14 to 1, the figure just mentioned by the distinguished Senator.

Furthermore, we are carrying on at that school, and at another school of which I happen also to be a trustee, experiments in this field, some financed in part by the National Institutes of Health, some financed by the great foundations. We have noted first a shortage of those who can carry on the experimentations, a shortage in the number being graduated from medical institutions to carry on in the future, and, likewise, a conflict between the great charitably supported institutions and the national effort in this regard.

Mr. President, I want to commend the distinguished Senator from Colorado as fully as I can. Some mention has been made of the courage required to support the program as recommended by the committee. I think it requires infinitely more courage to stand up and speak the truth, as the Senator from Colorado is doing, about the critical imbalance already existing, and which will be made greater by the furnishing of funds much beyond the capacity of the trained personnel of our country to utilize.

I compliment the distinguished Senator because he is throwing light upon the situation. There is no Senator who does not support as fully as he thinks justified these very fine activities. They are among the most appealing of those which we have in our Nation. But to have in the particular recommendation for an additional $136 million by the Senate committee the implication that the House, in adding only $43 million, did not show sufficient regard for the exigencies in this important field, indicates how unthoughtfully we are dealing with the situation, when, in effect, we are attempting to provide money which cannot be assimilated in a regular program of the type which the Senator has mentioned, and which was so fully recommended by the distinguished commission from whose report the Senator has quoted. I thank the Senator from Colorado for his contribution.

Mr. ALLOTT. I thank the Senator from Florida for his own contribution and his remarks on this subject.

It is not easy, I may say, with respect to the matter under discussion, for me to rise on the floor of the U.S. Senate

and face up to and be against what I know is a great trend. It is like standing in a gorge, when a cloudburst has taken place above it, and watching the water rush toward oneself, knowing there is nothing one can do against that onslaught of water.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. ALLOTT. I yield.

Mr. HOLLAND. It is almost like standing up against a group which is advocating home and motherhood. Is that not correct?

Mr. ALLOTT. It is exactly like that, if I may say so.

Mr. HOLLAND. I thank the Senator.

Mr. ALLOTT. I appreciate the Senator's remarks.

I may say, in this respect, no one has a corner on patriotism, and no one has a corner on any other emotion which surges through the human breast. This morning Senators have spoken feelingly in this Chamber as to how they have been affected by medical research. I doubt if we could go through the Senate and find a single man or woman who has not had within his or her own family or one close to him or her, as the case may be, a medical experience which does not cause the throat to choke up and tears to come to the eyes. I read to the committee yesterday afternoon a letter from a very gifted, and talented, close friend of mine who said in the letter that at this point he is doomed to die. So let no one interpret my remarks as the remarks of one who is cold, calloused, or indifferent to the needs for progress in the medical field, which will relieve human suffering, because the facts I am stating are not statistics to me and they are not budgets. People who suffer are people in agony. One cannot measure individual pain and suffering in terms of millions of dollars.

Let it be made clear, lest hereafter somebody call me a budget balancer, how I feel about the matter. I yield to no one, including the distinguished chairman of the committee, in my concern about and feeling in this matter.

For this reason I find it all the more painful to discuss a subject which I feel has been ignored, yet I feel the Senate and the House must consider it before the question is finally determined.

I had said just a few moments ago, when I yielded to the distinguished Senator from Florida [Mr. HOLLAND], that at the present time the annual number of medical graduates is about 7,000. As I said before, the chairman of the committee corrected me yesterday afternoon and said that according to his latest figures the number was about 7,500. Whichever the number may be, the difference is not significant enough to make a change in the problem which I am discussing. The number from this group entering the fields of teaching and research is about 500 or 600 a year.

For doctors of philosophy in the biological sciences the total annual output is now about 1,500 a year, a pool from which we can perhaps expect to get 1,200 medical research workers. Chemistry, physics, and psychology together produce less than 3,000 Ph. D.'s a year. This group, which serves, primarily, disciplines other than the medical and biological sciences, can be expected to produce at the most 600 or 800 a year to work in medical research fields.

So we can see a maximum of about 2,500 new doctoral level workers a year for medical and medically related research. Even this number can be found only at the competitive expense of urgently needed teachers in the cases of doctors of philosophy and needed medical care in the cases of physicians.

The year 1967 is only 8 years away. For fiscal year 1958 the total NIH appropriations amounted to $211 million, of which $155 million was for medical research. If we took a straight line projection of increase, the total goal of $350 million in 1967 would be reached by an annual increase of appropriations for research of about $21.7 million.

Mr. President, I am not one of those who say that the figures of the budget estimates are inadequate. I do not believe any man or woman in the world knows what is adequate or what is inadequate. Certainly I do not know, and I do not think the chairman of the committee can say positively, that the figure approved by the House of Representatives is inadequate, or adequate. I think, however, that the figure reported by the Senate committee yesterday afternoon, of which committee I am a member, is one which requires consideration by the Senate, to determine whether it may actually, in the long run, be thwarting and perhaps stultifying the very purpose and the very aim which we are trying to accomplish.

There is no question concerning the figures which I have given. The same figure of $1 billion which I used was quoted to me by the chairman of the committee yesterday afternoon. There is no gainsaying the fact that these figures produce the result I have stated. Unless one can add the figures up in some different way or figure out a greatly increased number of persons who will enter this field, from whence are the research workers going to come? There are three main sources; doctors of medicine, doctors of philosophy in the sciences, and newly trained persons. We can predict roughly the number of those who are going to contribute to this pool of research workers.

There is perhaps another source of research workers which I have not mentioned, which is a significant one. That is the great pool of doctors who are now practicing medicine in the various towns and cities.

If for research we draw from the new doctors in too great number, then our medical care, which is inadequate at the present time in may places in the country will suffer.

So I say to my friend, the chairman of the committee, that even though I may vote for this item, I think we have provided an amount which needs to be completely overhauled and reconsidered. I do not think that the Bayne-Jones report can be totally discounted. We cannot have adequate research even if we appropriate $5 billion today, unless we have the personnel to perform the research. Elaborate education is required to enable persons in the National Institutes of Health to carry on the type of research we are discussing.

Yesterday in the committee the chairman of the committee made a very potent observation when he said: "I should like to have anyone show me where a single dollar of this money is being wasted or where this research is not at the top level." I do not think anyone is going to try to show the Senator that. I am not. The Senator was making a statement out of a feeling of pride which we all feel. But the most pathetic thing which could happen in the United States, having in mind Russia, or thinking of our own ideals, would be that we should expand this program to such an extent as to pauperize our communities in their medical care; or, because we spent more money than we had adequate personnel to use, that we lowered the quality of the research work which is being conducted.

There can be no compromise anywhere, at any time, in connection with the quality of research, because the minute it is not top-flight, it ceases to be research, and becomes a gamble—a gamble with the health and lives of members of our families.

I find it difficult to make this kind of speech on a subject with respect to which I feel as deeply as does any other Member of the Senate, or anyone else in the country, for that matter. The die is cast for this year, but before next year the Congress must take a look at the real problem of manpower to carry on a medical research program. One cannot fly an airplane until he has had some training. Not everyone can do research work. One must be trained over a long period of time. Not every medical doctor, and not every doctor of philosophy is qualified to be a competent, first class research worker, or a part of a research team.

So we have two elements involved in the great problem which we face. On the one hand, we have the question of Congress supplying money, the wherewithal with which to carry on the program. That includes science laboratories, equipment, and contracts with universities and other associations to perform research.

On the other side of the balance is the question of manpower. We in America can supply the dollars a great deal more easily than we can supply the manpower to do the job.

I have not yet heard any adequate discussion of the problem I have raised. I am sorry I could not have raised it in committee. Perhaps I am remiss in that I was attending the meetings of another subcommittee of the Committee on Appropriations, which is my responsibility.

This is a problem with which we must concern ourselves. I hope that when the bill goes to conference, as it will, this factor will be taken into consideration by the chairman of the subcommittee and by the leadership, whose sincerity in this field I do not question in any degree. Nor would I want any of the remarks I have made to be considered as a reflection upon the sincerity or ability of the chairman of the subcommittee or

of the position of leadership which he has attained in this field.

By the same token, as a Member of the U.S. Senate who took the oath of office 4 or 5 years ago at the bar of this great assembly, I would be greatly remiss—in fact, I would be shirking my duty—if, notwithstanding political considerations, and notwithstanding the great popularity of this program, I did not call the attention of my friends in the Senate, and of all other Americans, to the serious problem which faces us in this area, namely, the furnishing of manpower to carry on research. We can furnish dollars much more easily than we can furnish the personnel. I hope this feature will be considered and discussed by the conference committee when the bill goes to conference.

Mr. COOPER. Mr. President, I wish to address myself to that section of the bill which provides grants for library services, and to support strongly the recommendation of the Committee on Appropriations to increase the appropriation over the House figure by $1.5 million, and over the budget estimate by $2,350,000. I should like to say to the distinguished chairman of the subcommittee [Mr. HILL] that I know all those who are interested in the program are grateful for his interest in it, and for his support. I am sure that his interest in and support of the program played a great part in the recommendation made by the Senate committee.

This bill deals with programs which are very close to the hearts of the American people. Most of the programs comprehended in the bill deal with educational or health objectives. They are the problems of humanity. Great as they are—and I do not derogate any of them—the program which provides grants for library services is also one which is important, and one which is having great influence in our country. It is a program which brings libraries to people in the remote areas. It brings books to the people. Fifty States and Territories have taken advantage of the program and are supplying a part of the necessary funds.

I think it even more significant that it has enlisted the support and interest of people in the urban centers as well as the rural sections, although it is designed to take books to rural sections. I am very proud of the record of my State. In addition to the support which has been given by the Commonwealth of Kentucky and by the counties, the citizens of Kentucky have purchased bookmobiles, to carry books and magazines to the rural sections. The program has enlisted the dedicated service of many people in our State—chiefly women—who operate our library offices and bookmobiles at very low salaries, and are glad to do so because they are interested and inspired by the program.

But its greatest importance is that it brings to people who may not have had the benefit of wide education, or who do not live near libraries, the opportunity to know the great literature of our country and the world. It furnishes them entertainment and information. It stimulates young people to do well in elementary school and high school, and encourages them to get a college education.

It is a program which brings light and learning to people in the rural sections of our country. I know the great interest of the chairman of the subcommittee in this program, and, on behalf of the people of my State who are so deeply interested in it, I thank him and the committee for their support.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a portion of the committee report on page 11, which deals with this subject; also a section from the bill, on pages 17 and 18, dealing with the same subject.

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

[Excerpt from the committee report]

Grants for library services

1959 appropriation	$6,000,000
1960 budget estimate	5,150,000
House allowance	6,000,000
Committee recommendation	7,500,000

The committee recommends the full amount of the authorization, which is $1,500,000 over the House allowance and $2,350,000 over the budget estimate. The committee heard testimony from the American Library Association to the effect that if the full amount authorized is not appropriated for 1960, some States will not be able to initiate new projects; some communities which have already taken action to assure matching funds for 1960 will not be able to proceed with plans; others which have begun projects will have to curtail them.

At present 50 States and Territories are participating in the program and 2—Delaware and Wyoming—of the 3 not now participating are expected to initiate programs in fiscal year 1960. A recent survey of their matching ability in 1960 revealed that 44 would be able to match the full authorization in 1960, and that the others might possibly be able to do so.

[Excerpt from the bill]

GRANTS FOR LIBRARY SERVICES

For grants to the States pursuant to the act of June 19, 1956, as amended (20 U.S.C. 351–358), $7,500,000: *Provided*, That the amount of any State's allotment from this appropriation which such State certifies will remain unpaid to it on June 30, 1960, may be reallotted by the Commissioner among other States applying therefor in proportion to their rural population, and deemed part of such allotments, except that no State's allotment shall be so increased as to exceed the allotment which would be made to it were this appropriation equal to the maximum authorized under such act.

Mr. COOPER. Mr. President, I ask also to have printed in the RECORD at this point as a part of my remarks the names of those from my State who represent the Library Services and who are in Washington today working for this program, and who have given dedicated service to it.

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

Miss Margaret Willis, director, library extension division, Commonwealth of Kentucky, Frankfort, Ky.

Mrs. Mary Belknap Gray, Louisville, Ky.

Mrs. Clyde M. Brassfield, Elizabethtown, Ky.

Miss Sue McGill Holbert, Elizabethtown, Ky.

Mrs. Charles Copeland, Somerset, Ky.

Mr. SALTONSTALL. Mr. President, as the Senator from Colorado [Mr. ALLOTT] has stated and as other Senators have stated, I have been disturbed by the amounts of money provided by the bill over and above the budget estimates for medical research, to be made available for research in cancer, heart, and other dread diseases. This process has been going on during the term of office of President Truman and, more recently, during the past 6 years under President Eisenhower. We want to encourage research in these dread diseases. The question is whether the amount is sufficient and, secondly, whether it is being efficiently spent.

I wish to put into the RECORD, because I believe it will help to make it clear, an understanding we had in the Committee on Appropriations with regard to the amounts we voted yesterday for research. The resolution was unanimously adopted. It reads:

Whereas the Committee on Appropriations annually makes available substantial sums for research in the dread diseases, and whereas the committee believes wholeheartedly from the hearings it has held on these important problems that progress is being made and further believes that a careful study by experts will be helpful in its future determinations in order to make certain that the committee's decisions are made in the best interests of the eventual cure or prevention of these diseases: Now, therefore, be it

Resolved, That the subcommittee with funds available to the committee for investigations organize a group of specialists and others to determine whether the funds provided by the Government for research in dread diseases are sufficient and efficiently spent in the best interests of the research for which they are designated, said subcommittee shall take into account the facilities, the experts, the laboratories, the availability of private funds and all other factors including the possible impact which the recruitment of those engaged in research enter into such a study of research efforts. The Subcommittee on Appropriations for the Departments of Labor and Health, Education, and Welfare shall make its report to the Committee on Appropriations on or before February 1, 1960.

As I am sure the distinguished chairman of the subcommittee will agree, if the study provided for is made objectively, it will be very helpful to the subcommittee and it will be very helpful to the Congress as a whole, and bring about a greater knowledge as to how these funds are spent, whether they are enough or whether they are too much, or whether they are being wisely and efficiently spent for research in these dread diseases.

It is with that motive that the committee adopted the resolution, and it was with the understanding that the resolve would be executed and would be put into effect that the committee voted very substantial increases over the budget estimate, which it did yesterday. I wished to get this matter into the RECORD in the course of the debate on the pending appropriation bill, for the reason that it had a great deal of influence on my vote, and I am sure also on the votes of some of the other members of the committee.

Mr. President, I turn briefly to another subject and make a brief statement, and then I shall ask the chairman of the subcommittee a question.

It is my understanding that in the bill there is contained, in connection with research efforts, an appropriation to take care of an overhead expense of 25 percent. The House adopted the figure of 15 percent as a limitation, and the Senate raised it to 25 percent. This becomes a very important matter, particularly as it affects private hospitals which wish to do medical research for the good of all our people.

I quote two sentences from a letter which I received from Gen. Robert Cutler, who is chairman of the board of the Peter Bent Bingham Hospital in Boston. He states:

> In 1946, the share of the continuing (hard money) income of the Harvard Medical School which had to be used to pay for unreimbursed indirect expense related to medical research projects was 3.5 percent. In every subsequent year but one, this percentage increased. In 1957, this percentage had reached up to 21.6 percent. Thus at the present time, nearly one-fourth of the medical school's continuing income must be siphoned away from the other important aspects of the medical school's work to the payment of unreimbursed overhead expense related to medical research projects.

I believe that states the case. On June 20, 1958, when the bill was considered last year, the CONGRESSIONAL RECORD volume 104, part 9, page 11876, there appears, during my colloquy with the Senator from Alabama, this statement by me:

> The armed services use the so-called Mills formula in regard to indirect expenses incurred by educational institutions in connection with the performance of research. They allow approximately 25 percent.
>
> In addition, Lybrand, Ross & Montgomery, a very careful and thorough accounting firm, as the Senator from Alabama knows, made an elaborate cost study at the Harvard Medical School, and determined that the average overhead cost for research projects is between 30 and 40 percent.

What the percentage actually may be in the Harvard Medical School may be one thing, what the percentage may be in other hospitals and other medical schools may be another. The two figures may be different. However, certainly the 25-percent limitation put in the bill by the Senate should be maintained in conference; otherwise, we shall be handicapping the necessary research for the good of all.

I ask the Senator from Alabama if I am correct in stating that there is a 25-percent limitation in the bill. I hope that the Senator will do his utmost to maintain it.

Mr. HILL. The limitation placed in the bill in the House of Representatives was 15 percent, but the Senate committee yesterday struck out the 15 percent and inserted in lieu thereof 25 percent Therefore the 25 percent is now in the bill. I will say to the distinguished Senator from Massachusetts that of course the Senate conferees will do all they can to persuade the House conferees to agree to the Senate position.

Mr. SALTONSTALL. May I ask one further question?

Mr. HILL. I yield.

Mr. SALTONSTALL. The Senator heard me read the resolve which the committee unanimously adopted yesterday with relation to an objective study during the coming months. Does the Senator agree with me that in the past years, when we have constantly increased these amounts, we have had testimony from outside medical witnesses who are very enthusiastic, perhaps, about increasing the amounts, but we have had no objective study made as to how the money is spent, and whether it is efficiently spent, whether it is enough, or whether it is too much.

Mr. HILL. Studies have been made, but no studies have been made with a direct report to the Committees on Appropriations. Studies have been made by different people in different groups, but no studies such as the one now contemplated, and provided for by the action of the Senate committee yesterday afternoon. Such a study can and will be helpful to the subcommittee in its efforts to get all the facts and all the information and all the knowledge possible in this matter of waging war on dread diseases.

Mr. SALTONSTALL. I thank the Senator.

Mr. DIRKSEN. Mr. President, first, I was delighted to hear the statement by the distinguished Senator from Massachusetts [Mr. SALTONSTALL] with respect to an evaluation of this health program. One day this week we had a discussion of the matter, and we generally agreed that there should be such an evaluation and that it should be made as objectively as possible. I am glad now that this has eventuated, because it will set a foundation for future appropriations and for the effectiveness of the expenditure of the money which is being appropriated by Congress.

Mr. President, I am not unmindful of the fact that one can become highly emotional about some of the programs which are involved in the bill. It has been said that it takes a good deal of courage to speak out against some of these items. I would feel that I was rather derelict in my duty if I did not do so. I think the people, whose money we spend, have the right to know what kind of results we are getting, and whether we are within hailing distance of remedies for the dread scourges which afflict mankind.

When the names of persons who have been the victims of disease are recited, let me submit that probably the world's No. 1 exhibit in the field of massive coronary attacks would be the President of the United States. I think if a poll were taken all over the world, the people would look at him as the No. 1 exhibit. He is the first President in the history of the United States who has so freely laid on the front page every detail of his physical condition and the difficulties he has encountered. We have had blow-by-blow accounts from his hospital bedside.

I remind the Senate that it was the President of the United States who had the last look at these estimates after they were prepared by the Budget Bureau and messaged to the Senate and the House for further consideration.

I submit, also, that if an opinion poll were taken, the whole wide world would be thinking of that blessed Secretary of State, John Foster Dulles, in relation to the fact that he was a cancer victim. If there is any individual among the 176 million people in this country who wept at the misfortune which befell Mr. Dulles, it was the President of the United States. I know something of his affection for John Foster Dulles. I have heard him express it time and time again.

So when we talk about the killers—cancer and heart disease—the President is not insensible of what has gone before, nor of his own experience in this field. When, then, it is said sometimes that there has been an "ice water" approach to this problem; that we think of it in terms of balancing the budget; how can that be said, when the President himself was the victim of a coronary attack? He is not unmindful of what is before us.

Mr. President, I think we have gone far afield in providing $268 million above the House figure and $365 million above the budget estimate. Can it be said that the House was insensible to this whole program? I have the House hearings before me. They contain 2,600 pages of printed testimony. One volume contains almost entirely the statements of Members of Congress, interested organizations, and individuals on subjects with which the measure deals. The $268 million over the House figure is the amount which is presently before us. The $365 million above the budget estimate is the figure on which we are expected to vote today.

In my service on the Committee on Appropriations, I well remember that in other years millions of dollars have been added to the bill over and above the budget figures, and too often the timidity of members of the Committee on Appropriations let those amounts slide through. I cannot do it. If I were thinking in political terms, or were thinking of my own skin, or were thinking that I might avoid some scolding and criticism from people who have such dedicated devotion to health matters, I would not say anything on the Senate floor today. But I am interested in some results. The resolution which was mentioned by the distinguished Senator from Massachusetts [Mr. SALTONSTALL], makes it appear now that, at long last, there will be some sweet, constructive fruit.

I have heard all the arguments today. I have not left the floor. If there was validity to some of those arguments, then why not add $500 million? Why not add a great heap of money, if dollars are the solution?

The distinguished Senator from Colorado [Mr. ALLOTT], pointed out what I think is the weakness; namely, where is the manpower to accomplish this work? Dollars will accelerate this program only up to a point.

I recall a statement which the President made to me 2 weeks ago, which rather registered, and particularly so because 2 years ago I put out a little orchard—a little mixture of cherry trees,

peach trees, apple trees, and pear trees. Then I wondered how to make them grow faster; how to get the fruit more quickly. I began to experiment with a number of the energizers which can be bought in a garden store, such as the liquefied Japanese Gibberelin. So I went around and squirted Gibberelin on the foliage, thinking that the leaves would finally pop up to twice the size, and that the tree would grow up so fast that it would knock the hat off my head. But every time I got a chance to go out over the weekend to look at the trees, I could not see that they had grown a great deal faster than nature had intended them to grow.

Just as it takes so long to mature a tree, it takes so long to get this job done. We can pour money in great quantities into it, but the job will not be done much faster. Certainly the Budget Bureau was mindful of that. They submitted an estimate based upon their examination of the needs. They determined how much manpower was available. They determined the amount which could be effectively expended. When we go beyond it, obviously we are headed for waste and extravagance of public funds. We need only look at all the witnesses who have come before the committee. We can understand why they testified for more and more money. If it is easy to get, why not get it? Oh, that has been the format in Government ever since I have been in Washington. That goes back a long, long time. But it is in the face of such testimony that some restraint has to be shown.

So if no other person will lift his voice against these increases, which have not had the sanction of the Budget Bureau and the approval of the President of the United States, then I feel, even though I am no longer a member of the Committee on Appropriations, that I must do it. It is not a tasty job, but it has to be done, because there is here a question of effective expenditure.

In line with my own feelings in the matter, I shall submit a few amendments, at least, to make a record. I shall not labor them very long.

On page 18, line 13, in the paragraph which is captioned "Payments to School Districts," I move to strike out "$163,957,000" and insert in lieu thereof "$142,300,000," which is the Budget figure. I know of no argument I need make in its behalf. It deals with payments to local educational agencies for the maintenance and operation of schools as authorized by the act of September 30, 1950. It is not a dramatic item; it is not a health item. But I think the amount ought to be cut back. Therefore, I offer the amendment I have just submitted.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). The amendment submitted by the Senator from Illinois will be stated.

The LEGISLATIVE CLERK. On page 18, in line 13, it is proposed to strike out "$163,957,000" and to insert "$142,300,000."

Mr. DIRKSEN. Mr. President, I need not belabor the matter further.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is on agreeing to the amendment of the Senator from Illinois [Mr. DIRKSEN] on page 18, line 13.

Mr. HILL. Mr. President, I do not want to detain the Senate except to say the amendment offered would reduce the fund made available for payments to school districts in federally affected areas by some $21 million. In other words, the amount now contained in the bill, which was placed in the bill by the House of Representatives, and was agreed to by the Senate committee, would meet the full entitlements of the school districts under the statute, Public Law 874. If the amendment prevailed, the school districts, instead of receiving their full entitlements, would have their payments reduced to approximately 85 percent of their entitlement.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was rejected.

Mr. DIRKSEN. Mr. President, I submit the following amendment: On page 18, in line 23, strike out the dollar sign and the figure "61,135,000" and insert in lieu thereof the dollar sign and the figure "38,500,000."

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The CHIEF CLERK. It is proposed, on page 18, in line 23, to strike out "$61,135,000" and insert in lieu thereof "$38,500,000."

Mr. DIRKSEN. Mr. President, the amendment is also an endeavor to bring the bill within the budget concept and the budget. The figure as submitted to both Houses was $38,500,000.

Mr. HILL. Mr. President, the amendment would reduce by some $22,635,000 the amount provided by the House, and agreed to by the Senate Committee on Appropriations, to be used in payments to federally impacted areas for school construction in the federally affected school districts.

We very much hope this amendment will be defeated, so the school districts may get their full entitlements under the law.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DIRKSEN] on page 18, in line 23.

The amendment was rejected.

Mr. DIRKSEN. Mr. President, I offer an amendment on page 25, line 13, to strike out the dollar sign and the figure "45,000,000" and insert in lieu thereof a dollar sign and the figure "20,000,000."

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The CHIEF CLERK. It is proposed, on page 25, in line 13, to strike out "$45,000,000" and insert in lieu thereof "$20,000,000."

Mr. DIRKSEN. Mr. President, the approval of the increase in the bill over the budget request, as reported by the Senate committee, will be nothing more than an impetus to the new program which is already under consideration in the House, and expands the program over a 10-year period at $100 million a year, for a total of $1 billion. I think, of course, that is taking liberties with the budget. So this amendment is designed to keep this item in proper context and at the budget level.

Mr. HILL. Mr. President, the House provided $45 million in the bill for the sewage disposal plants program, the amount authorized by the Water Pollution Control Act creating the program. The amendment of the Senator from Illinois would reduce the amount provided from $45 million to $20 million. The Senate Appropriations Committee agreed with the House, and it supports the $45 million figure.

We very much hope the Senator's amendment will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DIRKSEN] on page 25, in line 13.

The amendment was rejected.

Mr. DIRKSEN. Mr. President, on page 25, line 19, under the caption "Grants for Hospital Construction," I offer the following amendment: Strike out the figure "$211,200,000" and insert in lieu thereof "$101,200,000," which is the budget estimate.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 25, line 19, it is proposed to strike out "$211,200,000" and to insert in lieu thereof "$101,200,000."

Mr. HILL. Mr. President, this amendment would deny the hospital construction program some $110 millon which is very much needed at this time for the program. As Senators know, this program includes construction not only of hospitals of different types, but also of public health centers, diagnostic and treatment centers, rehabilitation centers, hospitals for the chronically ill, and, most important, nursing homes.

This year the Congress provided $186.2 million for these purposes. There is a great and compelling need for these hospitals and other health facilities. A great backlog of need has been built up due to the fact that we went through the great depression, then through World War II, and then through the Korean war. We also have a problem with regard to our population, which is increasing each year by some 3 million.

We have many hospitals and hospital beds each year which are becoming obsolescent. Our States and local communities are not only ready to go forward and put up their part of the funds for the building of these new hospitals and health facilities, but they are also ready to do far more than the amount agreed on by the Senate Appropriations Committee would permit. We cannot afford to cut these funds any more, Mr. President, and I hope the amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DIRKSEN].

The amendment was rejected.

Mr. DIRKSEN. Mr. President, I could, of course, offer other amendments to the bill, but I think I shall content myself with one further motion, which will be a motion to recommit the bill.

I am willing to withhold the motion, if there are any other amendments to be offered, but I think I ought to put the Senate on notice that I will make the motion to recommit for the purpose of having the total amount of the bill when reported back to the Senate not in excess of the budget figure of $3,691,685,581.

Mr. President, the reason is this: The House took 2,600 pages of testimony in regard to this bill. Notwithstanding that fact, the Senate Committee on Appropriations has reported a bill $206,825,400 in excess of the House figure and $365,061,000 in excess of the budget estimates. I believe the record must be made, so I am hopeful that when the motion to recommit is made we can have a yea-and-nay vote thereon, and I shall ask for the yeas and nays at the proper time. I will submit the motion to recommit after the third reading of the bill.

I believe the distinguished Senator from Connecticut either desires to propose an amendment or desires to discuss some other matter in connection with the bill.

Mr. BUSH. Mr. President, I wish to raise a point of order. I refer the Senate to page 19 of the bill, line 11, to the proviso concerning the $7 million for grants to States for area vocational education programs. The proviso reads:

Provided, That funds available for grants to States for area vocational education programs shall be available, notwithstanding any other provision of law, for instruction (including related instruction for apprentices) in programs designed to fit individuals for useful employment as technicians or skilled workers in recognized occupations requiring scientific or technical knowledge.

My point of order, Mr. President, is that this is legislation upon an appropriation bill, and therefore should be ruled out of order.

The PRESIDING OFFICER. The amendment on its face provides that the funds in question "shall be available, notwithstanding any other provision of law" and this constitutes a change of existing law and is legislation on an appropriation bill; therefore, it is not in order. The Chair sustains the point of order raised by the Senator from Connecticut.

Mr. BUSH. I thank the Chair.

The PRESIDING OFFICER. The bill is open to further amendment.

Mrs. SMITH and Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SMITH. Mr. President, as a member of the Appropriations Subcommittee which deals with health, welfare, and education I should like to take this opportunity to commend my distinguished colleague, the able chairman of the subcommittee, the senior Senator from Alabama [Mr. HILL], for his leadership and for his dedicated service in the field of medical research.

I should like also at this time to pay my respects to the staff member of that subcommittee, Mr. Herman E. Downey, who has done, as always, a most efficient job on the bill.

Mr. HILL. Mr. President, I wish to thank the distinguished Senator from Maine first for her very kind and generous words about me. Also, I wish to say there is no one more devoted to the cause of medical research and better health for the American people than the distinguished Senator from Maine. She is always working and fighting for this cause. She has made many, many fine contributions to the success of the cause.

I also wish to thank the distinguished Senator from Maine for what she has said about the very faithful and diligent clerk of the committee, Mr. Herman Downey. I join with her wholeheartedly in her words about this gentleman.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

Mr. KEATING. Mr. President, before a vote is taken it is my desire to say that I am in full accord with the action of the Senate Committee on Appropriations in recommending an increase in the money available to the National Institutes of Health for medical research programs.

I recognize the importance of governmental economy and the ever-present danger of inflation, but, in my opinion, the Nation's investment in medical research is anti-inflationary. It helps our citizens to continue their contribution to the economy, and it wards off the much higher costs of curing illness. In the long run, I believe this will save money at every level of Government activity.

I am particularly interested, Mr. President, in the problem of mental illness, which is covered in this measure at page 30, because it weighs so heavily on the State budget in my own State of New York. In the current year, New York State is spending more than $200 million for the care and maintenance of more than 120,000 patients who are confined in its mental institutions. The bill for mental illness in New York State takes up approximately 35 percent of the State's general operating budget each year. At the present time, New York State operates the largest mental hospital system in the world.

Up until 5 years ago, the number of patients in the New York State mental hospital system increased each year. In the period from 1945 to 1955, there was an annual increase of 2,000 mental patients a year. Staggering under this economic burden, the State of New York in 1954 adopted a $350 million bond issue program for the construction of 16,000 additional mental hospital beds.

In 1955, for the first time in the history of the New York mental hospital system, the seemingly inevitable increase in resident mental patients was brought to an abrupt halt. With the advent of the new tranquilizing drugs, there began a remarkable transformation in the mental hospitals of the Empire State. Over the past 4 years, instead of an increase of 8,000 patients, there has been a decrease of 4,000 patients due to the intensive application of the new drugs.

Mr. President, I am proud to note that New York State played the leading role in the Nation in the evaluation of these new drugs. I note with particular pride that Dr. Nathan Kline, research director of the Rockland State Hospital at Orangeburg, N.Y., was the first psychiatrist in America to use a tranquilizing drug upon a mental patient. For his magnificent pioneering efforts, Dr. Kline in 1957 received the Albert Lasker Award of the American Public Health Association for his distinguished contributions to medical research.

Dr. Kline in his testimony before the Senate Appropriations Committee pleaded for additional appropriations to accelerate the development and evaluation of new drugs in the fight against mental illness. In requesting an additional $2 million for the development of drug screening centers in various parts of the country, Dr. Kline noted that even at his research unit at Rockland State, which is one of the finest in the country, medical research was being hampered by the lack of trained personnel.

Mr. President, Mr. Mike Gorman, executive director of the National Committee Against Mental Illness, estimates that mental illness costs this Nation more than $3 billion a year in hospital costs, lost wages, lost income taxes, and in the cost of public assistance to the mentally ill. Testifying before the Senate Appropriations Committee, Mr. Gorman noted that the several States spent more than $800 million in 1958 just for custody of mental patients. He further noted that mental illness in 1958 cost the Veterans' Administration $844 million in hospital costs and in compensation and pension payments.

Think of the savings which would result from any significant research discovery. It costs an average of $1,500 a year to provide little more than custodial care for each patient in a mental hospital and, in institutions where good care and service is given, the costs are much higher. Restored to a useful life, these patients could be earning a living and paying taxes instead of draining their own resources and Government revenues devoted to medical care.

Mr. President, the committee has recommended an increase in the appropriation for the mental health and other research programs of the National Institutes of Health. I believe every penny of this amount should be approved.

There are two areas of Federal activity in which we can never afford to skimp—those involving our national defense and those involving the health of our citizens. Just as there is no economy in leaving our Nation militarily insecure, there is also no economy in holding back on efforts which will contribute to the physical and mental well-being of our people.

I commend the Senate Appropriations Committee for its courage and foresight in recommending an increased medical research program. I hope all Members will support the appropriation of the funds necessary to reduce the staggering annual loss to our economy from mental illness and from all other killing and crippling diseases.

Very briefly, I should like to refer also to the action taken by the committee—which I highly commend—in connection with the item described on page 19 of the bill, by providing that none of the funds which are to be appropriated to implement the provisions of the National Defense Education Act shall be available for the purchase of teaching equipment or scientific apparatus, which is identifiable as having come from a Communist country.

There has been a widespread effort on the part of the Soviet Union to flood this country with scientific equipment. The production costs of these goods are about the same as in the United States, but the price has been cut to a fraction in order to inundate our market. In the first place this is extremely injurious to all those who engage in the making of such equipment in this country, not only to the manufacturers, but also to the employees in this most highly skilled industry.

But more important, it could have a very serious psychological effect and a propaganda impact, if the Soviet Union were permitted to spread the word around the world that in order to obtain proper scientific equipment for our children it is necessary to purchase it from Russia. Thus, we would be presenting the Soviets with a real political and propaganda coup in the economic cold war if we permitted the use of national defense education funds to buy these Russian products. We would, in effect, be contravening the avowed intent of that act to strengthen our national security.

Our industries in this country are producing remarkable equipment in this field, some of which has been on exhibit in the Capitol within recent weeks. I am delighted that the committee has made this very wise provision a part of the bill, and I commend its members for it. This amendment represents a solid rebuff to the Soviets at the outset of their new cold war offensive, and I am proud the Senate committee has seen fit to answer their challenge in this way.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. HUMPHREY. Mr. President, I wish to commend the committee and the subcommittee, and in particular the chairman of the subcommittee, the Senator from Alabama [Mr. HILL], for their very fine work in preparing for us the appropriation bill for the Departments of Labor, and Health, Education, and Welfare, and related agencies.

I wish to have the RECORD note that I opposed all the efforts which were made to reduce the funds for payments to school districts, for assistance in the school construction, and other efforts which were made to reduce sharply the funds for sewage treatment and disposal plants, and for sanitary engineering, as well as the efforts made to cut back funds in the field of medical research and hospital construction.

To put it affirmatively, it is my view that this bill is possibly the most important budget-balancing bill which has been presented to the Congress. We are balancing the human budget. We are balancing the health budget. We are balancing the welfare budget for our fellow Americans.

Let me be quite specific. I note, for example, that the committee increased, over the budget estimate, the funds for waste treatment works construction—what we call sewage disposal plant construction.

One of the great needs in this country today is to do away with water pollution. One of the urgent needs in the communities of the Nation is to improve our so-called sanitary engineering and sewage disposal plants. This is good economy. The cost of stream pollution and earth pollution is fantastic.

The efforts which are made here, on a timely basis, to provide a grant-in-aid program for waste treatment works construction, is good, sound business, and good, sound economy.

In the city of Washington this week there was held a meeting of the American Library Association. This great association of librarians represents one of the outstanding cultural and educational institutions of the land. I salute the American Library Association for its good work. I thank the librarians for all they have done throughout the States, towns, villages, and counties in the United States, in providing education and cultural activities for millions of our citizens. It was very gratifying to me to note that the committee approved the recommendation of $7.5 million for grants for library services. These are the services which are of benefit to the rural areas. These are the services which are provided in the mobile library units. These are the services which improve the library facilities and the library programs of interest to our communities. It is very good, therefore, that the committee has seen fit to raise the budget estimate for 1960 from $5,150,000 to $7½ million. I was a cosponsor of this program before it was enacted and at the time it was enacted—that is, of the authorization bill for the library services. It is most pleasing to me that the committee saw fit to extend the full amount authorized up to $7½ million. This prompts me again to commend the American Library Association for its fine work in expediting and extending its program to library service throughout the United States.

Mr. President, the senior Senator from Alabama, in response to an amendment offered by the Senator from Illinois [Mr. DIRKSEN], on grants for hospital construction, pointed out the importance of the sum of money of $211,200,000, as recommended by the committee, for grants for hospital construction. Of all the programs we have had of a public works nature none has been more successful and more appreciated and more helpful or of greater need than the hospital construction program. Literally thousands of lives have been saved through modern hospital facilities. It appears to me that Congress can take considerable pleasure and pride in knowing that this program of hospital construction has been one of the most worthwhile and effective programs of any of our health activities.

The amount of money which is provided in the bill will continue the planned program of hospital construction and will also, as has been indicated, provide for diagnostic clinics, nursing homes, and hospitals for the chronically ill.

Finally, I wish to commend the committee for its faithfulness in providing a slight amount of money for Indian health activities. In Minnesota, we have a substantial number of people of Indian extraction. They are good citizens. They need modern and up-to-date hospital facilities and health services. It is encouraging to see that the committee has been willing to raise the budget estimate at least a little, by some $2 million, to provide for this very extensive and well-documented need for our Indian people. I am hopeful that the action of the committee will be helpful.

We have had considerable discussion today on the National Institutes of Health. The National Institutes of Health are the finest example of cooperation between Government and private medicine which can be found throughout the world. The National Institutes of Health stand as a living example of a government which is deeply concerned about the health and welfare of its people. That great institution represents to me the spirit of a humanitarian and compassionate democracy.

I am pleased that the committee has seen fit in each of the areas of research—in heart disease and cancer and mental health and arthritis and neurological and metabolic diseases and dental research—to increase and expand the modest amounts which have been requested by the Bureau of the Budget.

I know, for example, that in the field of cancer the National Cancer Institute will receive $110,203,000. Surely this amount is deserved, and it will be put to the most constructive use.

It was rather shocking to me that the administration should ask for only $75,218,000, in light of the tragedies which we see every day as a result of this, the Nation's greatest killer, cancer.

Also, Mr. President, there are funds provided in the sum of $89,500,000 for the National Heart Institute. This is $44 million over and above the recommendation of the Bureau of the Budget.

I commend the Committee on Appropriations for having used good and sound judgment in providing what is the greatest economic program the Nation has ever known, the economic program of preventive medicine and good public care, and in the field of research, because research yields better lives and yields better health and provides greater work opportunities and provides for a constructive use of man's talents and energies.

It is in this spirit that I shall vote for the bill. It is one of the most important bills which will be before Congress and represents great achievement on the part of Congress.

Mr. GRUENING. Mr. President, I wish to associate myself with the remarks of the distinguished senior Senator from Minnesota [Mr. HUMPHREY]. I believe the committee has acted most wisely in making adequate appropriation on behalf of education. I believe, with the distinguished senior Senator from Minnesota, that this is a budget-balancing measure, because when we remove people from the sick list and return them to an active life we are making a most constructive economic contribution.

I wish to commend the subcommittee for including also some money for a consumer price index in Alaska, which we have not had, and which is very important to Alaska, because of the high cost of living there. As a Territory, we had not been included and no provision for it was made by the administration. However, the subcommittee in its generosity and wisdom has made it possible to have this study made. I wish to express my great appreciation to the chairman of the subcommittee, the distinguished Senator from Alabama [Mr. HILL], and the other members of his subcommittee.

Mr. HILL. I will say to the Senator from Alaska that it was only a matter of justice that that item be included.

Mr. JAVITS. Mr. President, I wish to make a very brief statement on the pending appropriation bill, with particular reference to the appropriation to the National Institutes of Health. I wish to support the committee-recommended appropriations in that regard, and for this reason: I have a rather personal interest in this situation, which I feel I should share with the Senate. I had the honor, while serving in the House of Representatives, of being the author of the bill which established the National Heart Institute. It started as a very small program. It has grown to a committee recommendation of $89,500,000. Coupled with that experience, I had during the war the experience of being associated in the Chemical Corps with Dr. C. P. Rhoads, who has led the Sloan-Kettering Institute, a leading research organization in the United States on the subject of cancer.

From both of these experiences, I came away convinced that if we are to make any measurable progress in this major field of research against these leading killers—heart and cancer—we must be willing to devote resources to a program which will eliminate various hypotheses on which the scientists are working, and do it most rapidly.

Dr. Rhoads, whose name I have mentioned, is responsible for the administrative theory in respect of research, that if we have a sizable enough organization to explore all the possibilities which can be explored at any particular time, we will accelerate the time when we can arrive at some kind of conclusion. We may not score, in that way, a sensational breakthrough in respect of a situation like the Salk vaccine. However, we do, in the way in which I have just described, make measurable progress, as has been made indeed, in respect to both heart disease and cancer, in aiding 20 or 30 or perhaps 40 percent of the victims a great deal sooner than otherwise would be the case.

I emphasize that because we always think of medical research as arriving at some broad-scale, sudden solution. That does not happen very often, as in the case of penicillin and the Salk vaccine. However, we can make measurable progress, as is being made with respect to certain aspects of cancer, and as we are making on certain kinds of heart disease.

For this, Mr. President, massive research on a big scale, a great many people and a great deal of money are needed. In answer to the argument that research scientists are thin in depth, there is the answer that if we have enough money, we can put enough private agencies to work in colleges and universities and hospitals and in medical schools throughout the country.

My attitude is, therefore, not merely inspired by a capricious desire to see the President's budget exceeded; on the contrary, I feel, as do so many of my colleagues, that the budget is entitled to most serious consideration. We want to hold everything we humanly can within the budget figure. Indeed, we want to do it for less, if we possibly can. But I have a real conviction that the amount by which the budget is exceeded here represents really fruitful things which can be done in areas which are not sensational, but which are nevertheless extremely important and potent in respect to saving life, particularly in the case of the major diseases.

However, I realize that there is grave disquiet about exceeding the budget by $186,325,000. In respect to the National Institutes of Health, I point out that in a very reasoned and sensible way, these funds can be made worthwhile, due to the cases which I have just described, which fall within the compass of my personal experience.

I hope, therefore, that for sound and cogent reasons, nothing capricious, and without any idea that some sensational breakthrough will occur by the expenditure of the money, but on a real bread-and-butter basis, the Senate will see fit to go along with the committee in respect to this appropriation.

Mr. NEUBERGER. Mr. President, before the Senate votes on H.R. 6769, I should like to join in the tribute which the Senator from Alabama [Mr. HILL] paid a few minutes ago to the leadership in the field of medical research which has been contributed in the Senate by the distinguished Senator from Maine [Mrs. SMITH].

In recent years, many fine articles have been written about the need for further support, both by the Federal Government and private agencies, in the field of health research.

Yet, I think the outstanding beneficial article in this field was published some 3 years ago over the byline of MARGARET CHASE SMITH in the Saturday Review. It has been quoted in the Senate many times, and in articles and books on many other occasions. I simply wanted to pay this brief tribute to the senior Senator from Maine for her outstanding role in this urgent lifesaving field. It is a role which does her great credit, indeed.

Mr. President, I wish to mention particularly one item in the bill and give it my special support. I am especially interested in it because my own State of Oregon is involved. In the funds for health and research facilities construction, the inadequate recommendation of the administration for only $20 million has been increased by the Senate committee to $30 million.

The State of Oregon has a particular interest in this matter because the National Institutes of Health, through their construction facilities branch, have allocated $1,297,000 for the erection of a great medical research center at the University of Oregon Medical School.

The 1959 session of the Oregon Legislature has wisely provided matching funds of $1,297,000. This particular grant, then, will make possible a great research center in the field of medicine and science generally at the university's medical school in Portland.

A few minutes ago, both the Senator from Alabama [Mr. HILL] and the Senator from New York [Mr. JAVITS] spoke about the urgent need for more trained men and women in the field of medical research. This appropriation for medical research facilities at various medical schools throughout the Nation will help fulfill this need. Because the University of Oregon's Medical School is so intimately involved in this particular appropriation of $30 million, I wish to give it my special support and endorsement. This medical research building will help to make the University of Oregon Medical School one of the great medical and health citadels of our Nation. I am glad to have had a part in so worthy an undertaking.

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

Mr. NEUBERGER. I yield.

Mr. HILL. I am glad the Senator from Oregon has called particular attention to the funds for the physical research facilities. When that legislation was introduced, it was provided that for every one Federal dollar which went into research facilities, the recipient also should contribute another dollar. As a practical matter, the result has been that the Federal dollars have been matched not only by $1 but, on an average, by between $4 and $5 non-Federal.

Mr. NEUBERGER. That further demonstrates the wisdom of the program which the Senator from Alabama has sponsored so successfully.

Mr. DIRKSEN. Mr. President, I submit a motion to recommit, and send the motion to the desk.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The motion will be read.

The motion was read, as follows:

I move that the bill be recommitted to the Committee on Appropriations, with instructions to report the bill back with a total figure not in excess of $3,691,685,581.

Mr. DIRKSEN. Mr. President, on the question of agreeing to my motion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to recommit the bill, with certain instructions to the Committee on Appropriations.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Wyoming [Mr. MCGEE] is absent on official business.

The Senator from Wyoming [Mr. O'MAHONEY] is absent because of illness.

I further announce that if present and voting, the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY] would each vote "nay."

The result was announced—yeas 26, nays 70, as follows:

YEAS—26

Allott	Case, S. Dak.	Martin
Beall	Cotton	Morton
Bennett	Curtis	Mundt
Bridges	Dirksen	Saltonstall
Bush	Dworshak	Schoeppel
Butler	Goldwater	Thurmond
Byrd, Va.	Hickenlooper	Wiley
Capehart	Hruska	Williams, Del.
Carlson	Kuchel	

NAYS—70

Aiken	Hartke	Morse
Anderson	Hayden	Moss
Bartlett	Hennings	Murray
Bible	Hill	Muskie
Byrd, W. Va.	Holland	Neuberger
Cannon	Humphrey	Pastore
Carroll	Jackson	Prouty
Case, N.J.	Javits	Proxmire
Chavez	Johnson, Tex.	Randolph
Church	Johnston, S.C.	Robertson
Clark	Jordan	Russell
Cooper	Keating	Scott
Dodd	Kefauver	Smathers
Douglas	Kennedy	Smith
Eastland	Kerr	Sparkman
Ellender	Langer	Stennis
Engle	Lausche	Symington
Ervin	Long	Talmadge
Frear	McCarthy	Williams, N.J.
Fulbright	McClellan	Yarborough
Gore	McNamara	Young, N. Dak.
Green	Magnuson	Young, Ohio
Gruening	Mansfield	
Hart	Monroney	

NOT VOTING—2

McGee O'Mahoney

So the motion to recommit was rejected.

Mr. HILL. Mr. President, I move to reconsider the vote by which the motion to recommit the bill was defeated.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. CANNON in the chair). The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Alabama to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I should like to inform all Senators that the yeas and nays have been ordered on the question of passage of the bill. As soon as Senators have concluded any statements they may care to make we will proceed immediately to a vote on the passage of the bill.

Mr. MORSE. Mr. President, I wish to speak for a moment about the action of the Appropriations Committee in allowing $45 million for Federal grants to the States and cities under Public Law 660, the Water Pollution Control Act. This allotment is administered by the Public Health Service in the Department of Health, Education, and Welfare.

As the committee stated in its report on page 17:

Testimony indicated that since the inception of this program, the average annual construction of waste treatment works has increased 100 percent, with the Federal Government financing on the average only about 20 percent of the total cost. Thus the program has stimulated States and local communities in efforts to alleviate the health problems created by municipal pollution of our water resources. The Division of Sanitary Engineering now has on hand some 620 applications requesting $62.7 million in Federal financing.

Earlier in the year, when the President in his budget message proposed only $20 million of the $50 million presently authorized for construction grants, I asked the Oregon State Sanitary Authority for a summary of the sewage treatment plant needs in our State. The authority supplied me with such a summary, covering the next 3 fiscal years.

It shows that Oregon's share of the $20 million, the amount recommended by the President, is $264,500; Oregon's share of the $45 million appropriated the last 2 years is about $657,300; and finally, it shows that the Federal share of the cost of construction which should be undertaken in our State for the next 3 years would come to about $1 million for each of the 3 years, if the full amount were available.

I am delighted with the action of the House and the Senate Appropriations Committees in raising the budget request to a more reasonable amount. But I know that the needs of Oregon in this field of pollution control are fairly typical of conditions all over the Nation. The information I have obtained bears out, in my opinion, that the authorization for Federal participation should be doubled, and will have to be doubled, if pollution of our water supply is to be brought under control.

The House of Representatives has already passed H.R. 3610, doubling the authorization for Federal grants. I heartily endorse this bill, and I hope the Senate Public Works Committee will act on it promptly. It is greatly needed in Oregon, as elsewhere.

But I also commend our Appropriations Committee for its realistic action on this item.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the documents I have received from the Oregon State Sanitary Authority, entitled: "Status of Federal Grants for the Construction of Sewage Treatment Works in Oregon," and the estimates of sewage construction works for fiscal years 1959–60, 1960–61, and 1961–62.

I also ask unanimous consent to have printed at this point two editorials from the Medford Mail-Tribune, in Medford, Oreg., describing what pollution has done to one single stream in Jackson County in my State.

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

STATUS OF FEDERAL GRANTS FOR THE CONSTRUCTION OF SEWAGE TREATMENT WORKS IN OREGON

Section 6 of the Federal Water Pollution Control Act authorizes appropriations in the amount of $50 million annually for use as grants to municipalities and other political subdivisions of the States for the construction of sewage treatment works to abate water pollution. These grants amount to 30 percent of the cost of the project or $250,000 whichever is the greater.

Following its enactment in 1956 the Congress has appropriated the following amounts to carry out the intent of the law:

Fiscal year	Appropriation	Oregon allotment
1956–57	$50,000,000	$647,125
1957–58	45,000,000	651,575
1958–59	45,000,000	657,300

The administration budget for 1959–60 substantially reduces the amount available for construction grants as follows: 1959–60 appropriation, $20 million; the Oregon allotment, $264,500.

With funds available to Oregon during the first 3 fiscal years of the program the following has been accomplished:

	Projects	Total cost	Federal share
1956–57	11	$3,052,303.81	$632,188.84
1957–58 [1]	[1] 10	2,368,963.20	618,612.16
1958–59 [2]	[2] 2	2,276,027.24	142,395.17
	[2] (3)	(4,894,855.00)	(562,803.83)

[1] 6 of these projects are still under construction.
[2] 3 other projects have been tentatively assigned priorities but are not yet under construction.

For the next 3 fiscal years the needs are as follows:

Year	Projects	Total cost	Federal share
1959–60	12	$5,547,000	$1,142,300
1960–61	12	5,565,000	1,040,300
1961–62	24	3,100,000	930,000

OREGON STATE SANITARY AUTHORITY

Estimated sewerage works construction, 1959–60

Applicant	Population	Estimated cost of project	Federal grant requested	Type of construction	Applicant	Population	Estimated cost of project	Federal grant requested	Type of construction
Ashland [1]	8,800	$350,000	$105,000	Alteration.	Oak Lodge [1]	8,500	$300,000	$100,000	New.
Brookings [1]	3,250	125,000	37,500	New.	Ontario [1]	4,790	242,000	72,000	Do.
Estacada [1]	950	250,000	75,000	Replacement.	Portland	402,300	2,500,000	250,000	Interceptor.
Eugene [1]	47,600	510,000	153,000	Addition.	Prineville [1]	3,800	266,650	44,745	Replacement.
Hood River [1]	4,100	194,000	58,000	New.	The Dalles [1]	11,560	285,000	94,500	New.
LaGrande [1]	9,100	344,000	103,200	Replacement.					
Lakeview [1]	3,200	180,400	49,380	Do.	Total		5,547,050	1,142,325	

[1] Applications already on file with the Oregon State Sanitary Authority.

Population:	Number of projects
More than 20,000	--
10,000 to 20,000	--
5,000 to 10,000	--
2,500 to 5,000	--
1,000 to 2,500	--
Less than 1,000	--

Type of construction:	Number of projects
New treatment works	8
Alteration and expansion of existing treatment works	2
Interceptor and outfall	1
Total	11

Estimated sewerage works construction, 1960–61

Applicant	Population	Estimated cost of project	Federal grant requested	Type of construction	Applicant	Population	Estimated cost of project	Federal grant requested	Type of construction
Canyon City	640	$100,000	$30,000	New.	Portland	402,300	$2,500,000	$250,000	Interceptor, new.
Dufur [1]	475	167,029	50,135	Do.	Salem	47,100	600,000	180,000	Addition.
Fanno Creek interceptor (Multnomah County).	35,000	500,000	150,000	Interceptor	Stayton [1]	2,220	478,000	49,980	New.
Florence	1,750	140,000	42,000	New.	Tryon Creek [1] (Multnomah County).	12,000	728,000	185,000	Do.
Green Sanitary District [1]	1,100	130,000	39,000	Interceptor.					
Lafayette [1]	620	47,671	11,750	New.	Total		5,566,300	1,040,365	
Newberg	4,000	150,000	45,000	Addition.					
Oak Lodge Sanitary District II.	2,000	25,000	7,500	Outfall.					

[1] Applications already on file with Oregon State Sanitary Authority.

Population:	Number of projects
More than 20,000	3
10,000 to 20,000	1
5,000 to 10,000	0
2,500 to 5,000	1
1,000 to 2,500	4
Less than 1,000	3
Total	12

Type of construction:	Number of projects
New treatment works	6
Alteration and expansion of existing treatment works	2
Interceptor and outfall	4
Total	12

Estimated sewerage works construction, 1961–62

Applicant	Population	Estimated cost of project	Federal grant requested	Type of construction	Applicant	Population	Estimated cost of project	Federal grant requested	Type of construction
Bandon	1,650	$70,000	$21,000	New.	Jacksonville	1,160	$150,000	$45,000	New.
Brownsville	1,200	90,000	27,000	Do.	Maupin	410	50,000	15,000	Do.
Canyonville	1,010	150,000	45,000	Do.	Metzger Sanitary District	4,200	200,000	60,000	Do.
Corvallis	19,100	100,000	30,000	Addition.	Oakland	970	65,000	19,500	Do.
Cresswell	780	80,000	24,000	New.	Powers	1,300	100,000	30,000	Do.
Dayton	680	75,000	22,500	Do.	Seaside	3,800	300,000	90,000	Additions.
Delake	800	78,000	23,400	Do.	Taft-Nelscott	600	204,000	61,200	New.
Eagle Point	690	60,000	18,000	Do.	Vernonia	1,300	85,000	25,500	Replacement.
Eastside	1,366	160,000	48,000	Do.	Wallowa	1,050	58,000	17,400	New.
East Springfield	5,500	450,000	135,000	Outfall.	Warrenton	1,900	100,000	30,000	Do.
Elgin	1,350	149,800	44,940	New.	Willamina	1,000	100,000	30,000	Do.
Empire	4,270	160,000	48,000	Do.					
Huntington	825	62,000	18,600	Do.	Total		3,096,800	929,040	

Population:	Number of projects
More than 20,000	0
10,000 to 20,000	1
5,000 to 10,000	0
2,500 to 5,000	5
1,000 to 2,500	11
Less than 1,000	7
Total	24

Type of construction:	Number of projects
New treatment works	21
Expansion or alterations of existing treatment works	2
Interceptor and outfall	1
Total	24

[From the Mail Tribune, Medford, Oreg., Mar. 13, 1959]

BEAR CREEK: SEWER OR ASSET?

The findings reported Wednesday by the Sportsmen Club of Jackson County—to the effect that fish in Bear Creek are dying, presumably from pollution—are surprising only in two ways:

1. It is surprising that any fish at all can live in the stream.

2. It is surprising that the people of Jackson County have permitted Bear Creek to be operated as an "open sewer" for so many years.

The revolting condition of Bear Creek—potentially a valuable recreational and esthetic resource—is no secret. Everyone we've talked to deplores it, and says, in effect, "Something should be done." But nothing has been done.

We suggest:

That the parks and recreation commissions of both Medford and Jackson County consider how Bear Creek could best be fitted into a long-range plan of improvement for recreational purposes;

That the newly-formed pollution control board of the county, in cooperation with such civic-minded groups as the Sportsmen and others concerned with such problems, find out what needs to be done to clear up pollution;

That Ashland, Talent, Phoenix, Medford, and Central Point and the county back them up with whatever sort of support is needed;

That the State sanitary authority be contacted to see if it can be of assistance;

That the State highway commission be made thoroughly aware of its responsibility for beautification of the Bear Creek area, if and when it cleaves Medford in twain by using Bear Creek as a freeway route;

That all good citizens support such actions.

The upstream irrigation districts, Medford and Talent, might have valuable suggestions as to how an adequate minimum streamflow could be maintained to prevent the creek from being nothing but a string of stagnant puddles in summertime, particularly in view of the possibility of more usable water resulting from the Talent project.

The State water resources board might have valuable suggestions, and furnish encouragement for the beneficial use of the creek.

If the Izaak Waltonians, sportsmen, garden clubs, civic organizations, PTA's, veterans organizations—and just plain people who are concerned—make it know that's what they want, Bear Creek could be converted from a 20-mile-long sewer into a 20-mile-long asset.

[From the Mail Tribune, Medford, Oreg., May 13, 1959]

BEAR CREEK—NOW IS THE TIME

The Jackson County chapter of the Izaak Walton League did this area a real service the other night by sponsoring a public discussion of Bear Creek, and the problems it poses in the form of pollution and waste of a resource.

The creek, as it is now, is a waste, too. Once it was a pleasant, fresh little stream. Now it is little better than an open sewer. Portions of it are still attractive—at a distance.

But for the rest, its recreational potentialities are almost all gone—simply as a result of normal human activities done without thought as to their consequences.

The discussion brought out the fact that there are dozens of causes for its present unhealthy condition, and that no single action is going to provide a solution.

But it also brought out the fact that there is widespread interest in the creek on the part of both groups and individuals. And, as the old saying goes, where there's a will there's a way.

Progress in cleaning up Bear Creek can be made, but it isn't going to happen all by itself. It is going to take effort and work by quite a few people, and very possibly some public funds—as well as "education" to avoid future abuses and mitigate present ones.

Bob Root, Medford orchardist and a member of the state water resources board, has been interested in this problem for a long time. His suggestion that the cooperation of the highway commission be solicited in doing some bank-cleaning work and landscaping of parklike approaches is a good one. We have reason to believe the commission already has this possibility in mind.

His second suggestion, that some means of maintaining a higher year-around minimum streamflow as a means of abating pollution, is another good one. County Judge Earl Miller's immediate response, in showing his willingness to consider this idea from the county's standpoint, is commendable.

The interest of the public health department, the State sanitary authority, and the State game commission is also to be praised and appreciated.

So, what next? No single agency of government has responsibility for all the varied factors involved in the Bear Creek problem. All of them, however, have some interest. So do many private groups—such as the Waltonians and other sporting and conservation organizations.

So what about forming an unofficial but representative group dedicated to solutions for this situation? It doesn't much matter what it's called. It could be an interagency committee for Bear Creek, or a Bear Creek coordinating board, or whatever its members wanted. The important thing is that some action be taken.

It is particularly so at this time, for time is, as they say, of the essence.

Only right now can plans be drawn for presentation to the highway commission—for if the freeway is to be done right, the plans have to be made before, not after, it is built.

Only right now can firm plans be laid for use of surplus water from the Talent irrigation project. And this water, to bring the annual minimum flow up to 20 or 25 cubic feet per second, is at the heart of an approach to a solution.

And right now, when people are aware of pollution as a growing threat to the welfare, health, and economy of our pleasant valley, is the time to lay the basis for a broad program of study and education, to the end that Bear Creek can again be a credit, instead of a shameful nuisance.

Whoever takes the first step toward formation of such an organization, be he city or county officer, State official, private citizen or an officer of some interested organization, will earn the gratitude of the community.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 182. An act for the relief of Yong Chul Jurgens;

S. 190. An act for the relief of Melanie Hoffman; and

S. 770. An act for the relief of Feiga Altmann Rock.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 21) favoring the suspension of deportation in the cases of certain aliens, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7086) to extend the Renegotiation Act of 1951, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. SIMPSON of Pennsylvania, and Mr. MASON were appointed managers on the part of the House at the conference.

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

H.R. 1387. An act for the relief of Mrs. Mary D'Agostino;

H.R. 1456. An act for the relief of Universal Trades, Inc.;

H.R. 2009. An act for the relief of James V. Williams;

H.R. 2107. An act for the relief of Michael D. Ovens;

H.R. 2296. An act for the relief of the estate of Seth E. Libby, Jr.;

H.R. 2695. An act for the relief of the Inter-County Telephone & Telegraph Co., Fort Myers, Fla.;

H.R. 3094. An act for the relief of Oakley O. Warren;

H.R. 3117. An act for the relief of Albert J. Hicks;

H.R. 4243. An act for the relief of Peter Sergeevich Deryabin, also known as Theodore Stanley Orel;

H.R. 4423. An act for the relief of F. H. Hillel Co.;

H.R. 4894. An act for the relief of the Georgia Kaolin Co.;

H.R. 5350. An act for the relief of Mary W. Greene;

H.R. 5357. An act for the relief of Loretta F. Ossorio;

H.R. 5873. An act for the relief of Clara H. Hall;

H.R. 5914. An act for the relief of Dr. Radboud Louwrens Beukenkamp;

H.R. 6490. An act for the relief of Colbert Colgate Held and Charles W. Shellhorn;

H.R. 6546. An act for the relief of Nancy Mae Floor;

H.R. 6714. An act for the relief of Abraham Fye;

H.R. 6717. An act for the relief of Robert N. Anthony;

H.R. 6718. An act for the relief of Lt. Col. Albert E. Sherron (U.S. Army, retired);

H.R. 6955. An act for the relief of Sallie B. Dickens;

H.R. 7038. An act for the relief of the estate of Oshiro Shoko;

H.J. Res. 405. Joint resolution for the relief of certain aliens;

H.J. Res. 406. Joint resolution to facilitate the admission into the United States of certain aliens; and

H.J. Res. 407. Joint resolution to waive certain provisions of section 212(a) of the Immigration and Nationality Act in behalf of certain aliens.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 186) favoring the granting of the status of permanent residence to certain aliens, in which it requested the concurrence of the Senate.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1387. An act for the relief of Mrs. Mary D'Agostino;

H.R. 1456. An act for the relief of Universal Trades, Inc.;

H.R. 2009. An act for the relief of James V. Williams;

H.R. 2107. An act for the relief of Michael D. Ovens;

H.R. 2296. An act for the relief of the estate of Seth E. Libby, Jr.;

H.R. 2695. An act for the relief of the Inter-County Telephone & Telegraph Co., Fort Myers, Fla.

H.R. 3094. An act for the relief of Oakley O. Warren;

H.R. 3117. An act for the relief of Albert J. Hicks;

H.R. 4243. An act for the relief of Peter Sergeevich Deryabin, also known as Theodore Stanley Orel;

H.R. 4423. An act for the relief of F. H. Hillel Co.;

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H.R. 5357. An act for the relief of Loretta F. Ossorio;

H.R. 5873. An act for the relief of Clara H. Hall;

H.R. 5914. An act for the relief of Dr. Radboud Louwrens Beukenkamp;

H.R. 6490. An act for the relief of Colbert Colgate Held and Charles W. Shellhorn;

H.R. 6546. An act for the relief of Nancy Mae Floor;

H.R. 6714. An act for the relief of Abraham Fye;

H.R. 6717. An act for the relief of Robert N. Anthony;

H.R. 6718. An act for the relief of Lt. Col. Albert E. Sherron (U.S. Army, retired);

H.R. 6955. An act for the relief of Sallie B. Dickens;

H.R. 7038. An act for the relief of the estate of Oshiro Shoko;

H.J. Res. 405. Joint resolution for the relief of certain aliens;

H.J. Res. 406. Joint resolution to facilitate the admission into the United States of certain aliens; and

H.J. Res. 407. Joint resolution to waive certain provisions of section 212(a) of the Immigration and Nationality Act in behalf of certain aliens.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 186) favoring the granting of the status of permanent residence to certain aliens, was referred to the Committee on the Judiciary, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress approves the granting of the status of permanent residence in the case of each alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 6 of the Refugee Relief Act of 1953, as amended (67 Stat. 403; 68 Stat. 1044):

A–10248241, Bucar, Ivan.
A–10248233, Bucar, Stanislava.
A–8106033, Camalich, Andrea (or Andrew).
A–6703473, Chang, Carol Ching-Hsing.
A–901118, Chang, Francis Fu-Chieh.
A–8031624, Chang, Jen Chung.
A–7118699, Chang, Tsi Ying.
A–10141530, Cheng, Daniel Tah-Nian.
A–9666623, Cheng, Foo See.
A–9518840, Chok, Wong Ah.
A–9799517, Fong, King Yao.
A–8921560, Han, Ching Chang.
A–9694260, Hing, Sah Ming.
A–10265984, Hirth, Jozef (or Joseph).
A–9556536, Huo, Hue Shen.
A–8103732, Hwang, Chung Li, also known as Clayton Chung Li Hwang.
A–7445242, Kagi, Rolf.
A–10256922, Katz, Siegfried.
A–9802189, King, Chen Lee.
A–9671970, King, Lock Ting.
A–9082703, Kong, Ho Yung.
A–9757090, Kudrawcew, Jerzy alias Piotr Wedrogowski.
A–9801139, Kwan, Luk.
A–10463833, Lan, Choo Sing.
A–9798540, Ling, Ah-Sang.
A–7274549, Lo, Ignatius Ching Ho.
A–10259333, Loong, Yao Ah.
A–10265378, Loosaar, Endel.
A–9556542, Lou, Koo Hai or Lou Hai Koo or Chang Kang.
A–10491939, May, Tung Pao, also known as May Pao-May Tung.
A–9558145, Naim, Ham Say.
A–9922572, Ploy, Woo Yung.
A–6986478, Po, Margaret Pei-Te.
A–7065631, Prumskyte, Anele.
A–10256926, Stavropoulos, Grigore Leonidas.
A–9948084, Tarabocchia, Rodolfo.
A–7389377, Ting-Ching, Huang.
A–9732183, Tong, Cheng Saw.
A–9799972, Tsai, Ong Ming.
A–9798652, Wong, Yong Moon.
A–8235258, Wu, Chiu-Sang, also known as William Chiu Sang.
A–8845940, Yin, Mignonette Ye Hsuen.
A–9798571, Ying, Ming-Wei.
A–7247125, Yuan, Shang Wen.

SEC. 2. The Congress favors the granting of the status of permanent residence in the case of each alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 4 of the Displaced Persons Act of 1948, as amended (62 Stat. 1011; 64 Stat. 219; 50 App. U.S.C. 1953):

A–2049361, Chin, Pao-Tung.
A–8082083, Dow, Tan Kai.
A–8190830, Foon, Kong.
A–6847952, Pei-Fen, Chin nee Lin Pei-Fen.
A–7439686, Ping, Fong Yee or Yee Ping Fong.
A–8057484, Ying-Chiang, Theresa Yu.

THE TAX EXTENSION BILL—PROPOSED UNANIMOUS CONSENT AGREEMENT

Mr. JOHNSON of Texas. Mr. President, if I may have the attention of Members of the Senate, I should like to propose, on behalf of the minority leader and myself, a unanimous-consent agreement, and I ask the Senate to give consideration to it:

Ordered, That, effective on Thursday, June 25, 1959, at the conclusion of routine morning business, during the further consideration of the bill H.R. 7523, the tax extension bill, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. President, if the agreement is entered into we plan to have the Senate meet tomorrow at 10 o'clock and have the usual morning business. I think it would be reasonable to assume we would reach consideration of the bill at 11 o'clock. We would have all day, and we would stay in session as late tomorrow as might be necessary, up to midnight, at least, to consider the bill.

I have talked to the chairman of the committee and to the ranking minority member of the committee. I have talked to the minority leader. The bill contains provision for an extension of taxes which amount to about $9 million a day. We must have the bill passed by the Senate, have it go to conference, have an agreement in conference, have the conference report acted upon by both Houses, and have the bill go to the President and be signed by Tuesday. It is a grave responsibility; and I wish to do everything I can to get the bill to the President in time so that no tax revenue will be lost.

Some of my colleagues—in what they consider to be the national interest—made plans several weeks ago for Friday and Saturday of this week, in connection with a very important international event. I have great understanding of and sympathy for their problem. They would like to be present and recorded on any votes on the tax measure. In an attempt to accommodate them and serve the interests of the Nation, on behalf of the minority leader and myself, I make this suggestion. We are willing to consider any other suggestions which might accomplish the same result.

Mr. DOUGLAS. Mr. President, reserving the right to object—and I am not certain that I wish to object—may I point out that this is an extremely important measure.

This morning in committee two very important amendments were attached to the bill in question. One amendment would put the tax on communications on a temporary basis to expire next June 30. The other amendment would eliminate the tax on the transportation of persons.

In addition, five other amendments were proposed in committee, one by the Senator from Delaware [Mr. WILLIAMS], which was subsequently withdrawn, and four amendments by a group of us, aiming to plug some of the worst of the tax loopholes. If those amendments were adopted, they would raise more than $2 billion in revenue, and would permit us later to make some tax reductions, to meet needed welfare appropriations, and to provide a surplus for the coming year, which would permit of debt retirement.

This is probably the only time in the year that we shall have to debate these proposals, because this is probably the only revenue bill which will come over from the House for a long time.

We are always faced with the situation that the House sends us the tax extension bill at the very last moment. The Senate committee follows the procedure of not holding hearings on bills which are not initiated in the House. This year there was an alteration in that precedent, but the hearings were not very full or thorough.

Then, when amendments are brought up on the floor, it is always argued, "This bill must be disposed of in a hurry, and we have no time to deal with the improvement of the tax structure." So year follows year, and there is not adequate opportunity for the consideration of measures which are designed to cure the greatest weakness in our whole tax structure.

I am wondering, therefore, if, in the national interest, the able majority and minority leaders would not be willing to extend the time for debate, so that the final decision, if sufficient time were taken in debate, could be postponed until Friday.

Mr. JOHNSON of Texas. Mr. President, I should be glad to do so. I shall be here. I am told that the Members who are leaving for the meeting in Canada must leave late tomorrow evening. They hoped that the bill could be disposed of by 4 o'clock. That is why we are proposing to have the Senate meet at 10 o'clock. The Senator from Vermont

[Mr. AIKEN] is one of the members of the delegation.

I should be glad to increase the time on the bill, and then we could allot additional time to the Senator from Illinois if he so desires. I would have no objection to postponing the vote until Friday, but the reason I presented the unanimous-consent request is that the Senator from that group to which the Senator from Vermont [Mr. AIKEN] belongs desired it.

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

Mr. JOHNSON of Texas. I yield.

Mr. AIKEN. The Senator from Illinois knows that I sympathize very strongly with his desire to plug certain loopholes in the present tax structure, and I should like to vote for such proposals at the first feasible opportunity.

I also agree with the Senator from Illinois that those who believe that certain tax measures ought not to be disturbed are perhaps rather astute in bringing up a tax measure just before the deadline at the end of the fiscal year.

However, I will say to the Senator from Illinois that we must face the situation as it is. The fiscal year will end next Tuesday. The tax bill should be enacted into law before next Tuesday; and, much as we desire to plug tax loopholes—which would, I agree, yield a return of several hundred millions of dollars in taxes, representing taxes which should be paid by those who are now escaping their proper share of the tax load, nevertheless, we could not muster anywhere near our maximum strength for plugging these loopholes under the circumstances. I feel that many Senators would place the necessity for getting the bill passed and signed before next Tuesday ahead of their desire to plug tax loopholes; and I am fearful of the effect if the word should go out over the country that we were able to muster only 17 to 20 votes, whereas at some other time we might be able to muster 35 or 40 votes. I do not believe that we shall be in the winning column this year, but we shall come nearer to being in the winning column than we have been up to this time. We shall come nearer to plugging the tax loopholes than we have been up to this time, but not if we force a vote only 2 days before the fiscal year expires.

I think there would be a misinterpretation in the country. The strength of those who wish to plug certain obvious and flagrant tax loopholes is greater than it has been for some time.

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

Mr. AIKEN. I do not have the floor. I merely wished to express my opinion that we would not show anywhere near our normal or maximum strength under the circumstances described.

Mr. DOUGLAS. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I yield the floor, so that the Senator from Illinois may be recognized.

Mr. DOUGLAS obtained the floor.

Mr. CLARK. Mr. President, will the Senator from Illinois yield to me in order that I may ask the Senator from Vermont a question?

Mr. DOUGLAS. I yield.

Mr. CLARK. As the Senator from Vermont knows, I am just as much interested in the problem as he is. I have pending one of the four major amendments which will be offered to the bill. I am gravely concerned about the fact that so many Senators will be out of the city. It seems unfair to try to press this proposal to a vote in their absence.

I entered the Chamber after the Senator from Vermont had taken the floor. I do not know whether he believes there should be a unanimous consent agreement to apply tomorrow, or whether he thinks the bill should be debated tomorrow and Friday, with a vote on Monday.

Mr. AIKEN. I would vote for the measure to continue the taxes which would otherwise expire at the end of the fiscal year, and then I would watch every chance to offer amendments. I realize that the 27½ percent oil depletion amendment is creating the greatest interest around here. I have had visitors lately representing the oil companies. They are certainly interested, and apprehensive. I told them when they left my office that I would give them an A for effort.

Mr. CLARK. Is the Senator supporting the unanimous consent request?

Mr. AIKEN. I would not object to the unanimous consent request, because I think it is important to expedite action on the bill. It may be that we have been maneuvered into this position. Nevertheless, we are here, and I would not want to have a vote on the oil depletion amendment which would show only a small number of votes in favor of it, when, by watching and getting a vote some other time, we might have 35 or 40 votes in support of it. I think we may have more than 40 votes this year.

Mr. CLARK. The Senator is wise enough to know that we shall probably not have another opportunity this year.

Mr. AIKEN. There is another year coming, and another session of Congress.

Mr. CLARK. Mr. President, may I have the attention of my good friend from Texas? Would the distinguished majority leader be willing to modify his unanimous consent request so that a vote could be had at an early hour on Monday—say 10 or 11 a.m.—so that Senators who wish to leave the city would have an opportunity to return and vote, and yet those of us who desire to make a case in connection with certain amendments would not be rushed into making our case in a limited time?

Mr. JOHNSON of Texas. I do not believe any Senator would agree to that. The chairman of the committee told me he believes it is inadvisable. The Senator from Illinois [Mr. DOUGLAS] feels it is inadvisable. I believe it would be the height of irresponsibility to put off action until next Monday. I would rather plan to have the Senate convene tomorrow, without an agreement, and stay late tomorrow night and Friday and Saturday, if we had not disposed of it by then, because I believe it is the responsibility of the Senator from Texas to see to it that we have action on the bill and have a chance to send it to conference at the earliest possible date. The Senator from Illinois and the Senator from Virginia tell me that they believe it must be acted on before Monday.

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

Mr. JOHNSON of Texas. I do not have anything further to say.

Mr. CLARK. I should like to ask the Senator a question. He knows the answer to it.

Mr. JOHNSON of Texas. I do not know whether I know the answer.

Mr. CLARK. If the Senator does not know the answer, I am sure he will say so. It is my information—and I ask the Senator whether it is correct—that a large number of Senators who plan to leave for the Canadian meeting will be leaving town early tomorrow. Is that correct?

Mr. JOHNSON of Texas. No. I suggest that the Senator inform himself by asking the Senator from Vermont, who is in charge of one of the delegations. He knows more about when the meeting will be held. Some Senators have suggested that they would postpone leaving until late tomorrow night if we could get a unanimous consent agreement. Some Senators have suggested that they would leave early Friday morning if we could get a unanimous consent agreement. That is why I proposed the unanimous consent agreement. If we do not have an agreement, I will let the Members who are here vote until the Senate has disposed of the bill. If later they wish to enter into a unanimous consent agreement, we will do that. Otherwise we will go on and vote at any time.

Mr. DOUGLAS. Mr. President, I should like to have information from the distinguished Senator from Vermont as to when the first group of Senators is supposed to leave for the conferences on the St. Lawrence Seaway. How many Senators are leaving at that time? How many more are expected to leave on Friday morning, and so forth?

Mr. AIKEN. The Senator from Illinois understands that 12 Senators and an equal number of Members of the House are members of an official delegation who will confer with our Canadian friends.

Mr. DOUGLAS. When are they leaving?

Mr. AIKEN. Our first conference with Canadian parliamentarians is set for 11 o'clock tomorrow morning.

Mr. DOUGLAS. So that will take those Senators out of the ball park tomorrow. Is that correct?

Mr. AIKEN. Those who are conferring with the members of the Canadian Parliament will leave at 8 o'clock tomorrow morning. I understand that one of the other committees is slated to leave at 11 o'clock tomorrow. That is the Subcommittee on Appropriations for Public Works. They are leaving at 11 o'clock. The Senator from Florida [Mr. HOLLAND] is the chairman.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. It seems to me that the vote tomorrow, if the request were agreed to, would be taken at a time when a large proportion of the Senate

actually would be absent, and the vote, therefore, would not represent a true opinion of the Senate. I had originally thought that the departure could be postponed until Friday night. If that is not the case, pleasant as the St. Lawrence is at this time of year, and estimable as our Canadian cousins are, I believe we ought to transact the business of the United States of America first. If our good friends do not wish to postpone their departure, the only thing for us to do is to debate the matter the rest of this week and meet early on Monday morning and vote. The conference committee could then work on Monday afternoon and the report could come back to both Houses Tuesday morning. The President could then sign the bill prior to midnight on the 30th of June.

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

Mr. DOUGLAS. I yield.

Mr. AIKEN. I should like to give a little further explanation. When we have a commitment with representatives of a foreign country——

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. What is the pending question?

Mr. JOHNSON of Texas. The unanimous-consent request.

The PRESIDING OFFICER. It is the unanimous-consent request by the Senator from Texas.

Mr. MAGNUSON. We would like to get some appropriation business taken care of. Senators can discuss the itinerary on Friday.

Mr. JOHNSON of Texas. The group which the Senator from Florida heads——

Mr. HOLLAND. Mr. President, I have asked the Senator from Illinois to yield to me. I hope he will yield.

Mr. JOHNSON of Texas. Will the Senator relate to the Senator what he has told me?

Mr. HOLLAND. Mr. President, three committees are going to Canada on business which is the business of our country. Insofar as the group to which I am attached is concerned, it will be the subcommittee which has been passing on appropriations for the building of the St. Lawrence Seaway and for carrying on the St. Lawrence Seaway Commission. There is very important business to discuss in connection with the operation of the canal and the rules and regulations which affect rather definitely the State which is represented, at least in part, by the Senator from Illinois.

I have suggested to the distinguished majority leader——

The PRESIDING OFFICER (Mr. CANNON in the chair). The Senate will be in order.

Mr. HOLLAND. I have suggested to the distinguished majority leader that, while our plans were made to leave tomorrow morning at 11 o'clock, I would be very glad, so far as I am concerned, to recommend to the members of my committee—and I believe they will feel the same way—that we wait and go tomorrow night or early Friday morning, so that we could meet our obligations.

That is not the case with reference to the committee headed by the Senator from Vermont [Mr. AIKEN]. He, I understand, has an obligation to meet with a like committee from the Parliament of Canada. I am not able to speak for the Public Works Committee, which also has a delegation going to Canada, but they, too, are going on important public business of the United States. The question is how to adjust our various plans so as to be able to transact as much as possible of the important public business on every front which confronts us.

I suggested to the majority leader that if he could get consent for action on this matter tomorrow, I felt sure that many of us could postpone our going until very early Friday morning. It was in pursuance of that that I talked with the distinguished majority leader, who, joined by the minority leader, has made the unanimous-consent request.

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

Mr. HOLLAND. I yield.

Mr. JOHNSON of Texas. I modify my request, and ask to have the Senate convene tomorrow morning at 9:30, and have an hour of debate on each amendment, and 4 hours on the bill. The majority leader and the minority leader can yield time to the proponents and the opponents of amendments. I wish to say to the Senate that, by agreement with the minority leader, we will sit tomorrow until midnight, if necessary, in an attempt to finish action on the bill and to send it to conference, where it will be on Friday and Saturday.

Mr. AIKEN. Mr. President, I should like to finish the explanation which I started some time ago. We have a commitment to meet at 11 o'clock tomorrow morning with members of the Canadian Parliament.

Mr. JOHNSON of Texas. How many Senators are involved?

Mr. AIKEN. There are 12 Senators involved. The commitment was made some time ago. When we have a commitment with representatives of another country, we do not cancel it the night before and say that we have decided that we will not be there. There is another conference, I believe, set for 3 o'clock tomorrow afternoon. It so happens that the decision to meet with the members of the Parliament was made some time ago, and the decision was then made to dedicate the St. Lawrence Seaway on the 26th of June. Therefore, we will have to interrupt our discussions on the morning of the 26th, because no one will be there.

On Friday afternoon we go into the conference with the members of the Canadian Parliament, and continue through Saturday. This is in accordance with an act passed by Congress. It certainly would not be well for us to say, the night before, that we cannot go.

The Committee on Public Works and other committees and individual Senators are going for other reasons. I think the dedication of the St. Lawrence Seaway is the primary reason why they plan to go. I am glad they are going. So far as I am concerned, they can go when they get ready to go.

But the delegation of which I am a member has a commitment to meet in conference with members of the Canadian Parliament at 11 o'clock tomorrow morning. We ought to keep that commitment.

Mr. JOHNSON of Texas. As I understand, the Senator from Vermont was not objecting to the proposed agreement. I will be glad to try to arrange pairs for any Senators who are members of his delegation.

The Senator from Florida [Mr. HOLLAND] approached me on behalf of himself and a number of other Senators. They were of the opinion that if the Senate would convene early tomorrow and could vote tomorrow, they could leave late tomorrow evening, while still having had a chance to vote on certain amendments.

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

Mr. JOHNSON of Texas. I yield.

Mr. DWORSHAK. It is difficult for me to understand the urgency involved in this controversy. When did the tax bill come to the Senate from the other body, and when was it considered by the Committee on Finance?

Mr. JOHNSON of Texas. The chairman of the Committee on Finance will have to answer the Senator's question.

Mr. BYRD of Virginia. I do not have the exact date when the bill came to the Senate. We have had a number of hearings. The Senator from Illinois [Mr. DOUGLAS] and other Senators asked for public hearings with respect to certain amendments which they desired to offer. Notwithstanding the fact that it has not been the custom of the Committee on Finance to have hearings, hearings were held. So we reached a vote and reported the bill this morning. I am sorry I do not have the exact date when the bill was received by the committee.

Mr. DWORSHAK. Was it as long ago as 3 weeks?

Mr. BYRD of Virginia. No, no; nothing like that.

Mr. DWORSHAK. It seems to me that every time a tax measure of this kind has come before the Senate, we have been invited to consider it immediately before the closing deadline, so that we are not permitted to have normal debate, as is customary in the consideration of other proposed legislation.

Mr. BYRD of Virginia. There are other revenue bills which come before the Senate. It is not necessary to include an amendment in this bill. Everyone knows that the President will not veto it. That is the reason why certain Senators want amendments in this bill. They know the President cannot veto a bill which would bring into the Treasury $3 billion from taxes which would otherwise expire. There will be other revenue measures to which amendments can be offered.

Mr. JOHNSON of Texas. I am informed by aids of the Senate that the bill came from the House on June 9.

Mr. DWORSHAK. Is it not possible to vote on Monday at noon, have a conference on the same day, and thus give the

President 24 hours in which to sign the bill?

Mr. JOHNSON of Texas. The judgment of the Senator from Idaho may be correct; but that is not the opinion of the chairman of the committee, of the ranking minority member of the committee, or the minority leader. They felt action ought to be taken as soon as possible. They hoped it could be taken on Thursday; if not, certainly on Friday; because they would have to agree to a conference, go to conference, discuss the two amendments which the committee has added, and then have the measure voted on by both bodies, so that the bill can go to the White House and the President can examine it before the expiration date.

Mr. DIRKSEN. Mr. President, the Senator from Idaho has raised the question whether this is an urgent matter. Two amendments will appear in the bill as reported by the Committee on Finance. The report and hearings, as I understand, will not be available until tomorrow morning. As a result, the bill cannot be considered until tomorrow.

When the Senate has worked its will upon the bill and any other amendments which may be offered, it will have to go to conference. The amendments, such as they are, will have to be considered. Then the conference report will have to go back to both bodies.

I can fully understand and appreciate that difficulties and delays may arise in the period of time before the deadline of Tuesday midnight, June 30, which is the end of the fiscal year. It is important for this reason, if for no other: For every day which goes by, the Treasury will lose, so far as I know, $9 million. The Treasury should not be projected into that difficulty. Other obligations would arise in connection with the excise tax, floor stocks, and that sort of thing.

So with the limited time which is available, I think the Senate ought to agree to the unanimous-consent request, particularly since the time for debate to be yielded on the bill has been extended in order to accommodate all Senators.

Mr. JOHNSON of Texas. Mr. President, I shall be here on Thursday, Friday, and Saturday. It is immaterial to me what amount of time we take before we vote on any of these measures.

The renegotiation bill is in conference. It is very important that the Committee on Finance reach an agreement with the House on that bill, and that the Senate act on the conference report and send the bill to the President before Tuesday.

We shall have the debt limit bill. The committee must meet a deadline of June 30 on that bill. The Senator from Virginia [Mr. BYRD] tells me he hopes he can ask the Senate to act upon that bill either on Friday or Saturday. It is important that that bill be sent to the President by June 30.

I want to accommodate all Senators who have made other arrangements. Sometimes when I make them I have to miss yea-and-nay votes. But I try to adjust the schedule of the Senate to accommodate the majority of Senators.

On the other hand, I think it would be the height of irresponsibility to gamble on a delay until next week before we act upon the tax bill. I am sorry the Senate did not receive it earlier. But since it did not, I cannot find any reasonable cause to complain of the action of the Committee on Finance. The Senator from Virginia [Mr. BYRD] felt that he had to accord some Senators hearings on the bill. The hearings have been held. Certain amendments were offered in committee, and were adopted by the committee. The committee has made its report, and the bill has been unanimously reported to the Senate.

Therefore, I hope the Senate will indulge us during these 2 or 3 busy days. We can, at least, accommodate the group of the Senator from Florida [Mr. HOLLAND] and perhaps the members of the Committee on Public Works if the Senate will convene at 9:30 o'clock tomorrow morning. I do not think many new things will be said. But there will be ample opportunity to say them all morning and all afternoon. Then, if we do not reach a vote, the Senators who must leave can leave; and those who do not have to go, can remain.

I appreciate the attitude of the Senator from Vermont [Mr. AIKEN].

Mr. DWORSHAK. Mr. President, would the majority leader modify his request so as to provide for a final vote tomorrow evening at, say, 9 o'clock?

Mr. JOHNSON of Texas. I certainly would have no objection to that. I think there will be no trouble reaching a vote without such a request. I think that can be done anyway. But I would have no objection to the Senator's proposal.

Mr. DWORSHAK. Is it planned to have the Senate meet at 9:30 tomorrow morning?

Mr. JOHNSON of Texas. Yes.

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

Mr. JOHNSON of Texas. I yield.

Mr. CARROLL. I think the Senate ought to understand that there are some important amendments to be voted on. Some of them affect subjects which have not been voted on for several years. One of the amendments will be offered by the junior Senator from Minnesota [Mr. MCCARTHY]. It involves about $400 million. One of the amendments was before this body 4 or 5 years ago. I think the Senate will accept it.

I now address my remarks to the majority leader. I cannot believe that another body of Congress will be so irresponsible as to allow the Government to lose revenue of $9 million a day. If we cannot vote tomorrow by reason of the absence of Senators who have previously made commitments, why cannot we debate the bill tomorrow and vote on it on Monday. I admit that the time is short. But let us assume that we voted on the bill on Monday. Even if the conference committee did not agree, it would not be necessary to lose $9 million a day in revenue. The other body, I believe, could initiate a joint resolution so as to preserve the status quo for 15 days or 30 days, until there was full consideration of the tax bill and the amendments which I believe will be offered to it.

It is my understanding that in a case of this kind, only the House can initiate a joint resolution. When it does so, the status quo is preserved.

I do not think the Senate is so irresponsible that it will not agree to pass such a joint resolution. That is why I suggest a modification of the proposal advanced by the majority leader. I ask unanimous consent that his proposed unanimous consent agreement be modified so as to provide that the Senate shall vote on the bill on Monday. Thus every Senator will have a chance to go on record on important tax amendments.

Mr. JOHNSON of Texas. Mr. President, I cannot speak for the other body. I would not want to assume such a responsibility. I do not want to suggest what the other body should do with respect to initiating a joint resolution. However, I see no need to wait until Monday or Tuesday, or any other day, in order to have adequate discussion. So far as I am concerned, I propose that there be adequate discussion tomorrow, tomorrow evening, Friday, and Saturday.

I have at the desk a proposed unanimous-consent agreement, and I should like to have the Chair put the question. If Senators do not care to agree to it, that will be their responsibility. But I shall still ask the Senate to meet tomorrow and to work until late tomorrow in an attempt to pass the tax bill; and if the Senate is unable to pass the tax bill on tomorrow, then to do the same thing on Friday; and if the Senate is not able to pass the tax bill on Friday, then to do the same thing on Saturday; and if the Senate is not able to pass the tax bill on Saturday, then to do the same thing on Monday, for as late on Monday as may be necessary.

Mr. DOUGLAS. Mr. President, before the Senator from Texas has the question put, I should like to propose an alternative which I believe would take care of the difficulty—namely, to have general debate on tomorrow and on Friday, and to have action taken then on whatever motions could be handled by voice votes, and to have the Senate convene on Monday at 10 a.m., with debate on amendments limited to 15 minutes for each side, and debate on the question of final passage of the bill limited to 30 minutes for each side, and then to have the Senate take final action on the measure.

Mr. JOHNSON of Texas. No, Mr. President; I would not agree to such a proposal, because only a few minutes ago the Senator from Illinois said that action on this measure should not be postponed until Monday. Furthermore, the chairman of the committee and I and the minority leader have joined in recommending the proposed agreement which I have at the desk.

If the Senate wishes to have this measure debated on Thursday, Friday, and Saturday, and wishes to have any lobbying in connection with it done on Sunday, and wishes to have the debate on it resume on Monday, that is for the Senate to decide.

But, Mr. President, so far as I am concerned—inasmuch as I am responsible

for proposing the schedule—I shall ask that the Senate convene tomorrow morning at 9:30, and then have each Senator make whatever remarks he may wish to make; and I shall do all I can to have the Senate vote on the tax bill as soon as possible.

I did all I could to have the hearings on it held as quickly as possible. I have pointed out that the committee has voted on the amendments, and that the earliest possible time to have the bill taken up on the floor of the Senate will be tomorrow morning. The hearings are available; and, so far as I am concerned, I want the matter decided.

So, Mr. President, I ask that the Chair submit to the Senate my proposed unanimous-consent agreement.

Mr. DOUGLAS. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. Yes; but I hope the Senators will permit the vote on the appropriation bill to be taken soon.

Mr. DOUGLAS. I wish to be as polite as possible in connection with this matter.

Mr. JOHNSON of Texas. That is fine.

My friend, the Senator from Washington [Mr. MAGNUSON], is anxious to have the vote taken on the appropriation bill.

However, I yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, when the Senator from Texas said I had informally agreed that the bill should not go over until next week, he was correct. But at that time I did not understand that there was to be the hegira, so to speak, to the St. Lawrence, and that it would take away so many of our Members.

I have looked at the list of those who will leave early in the morning, and also the list of those who will leave later. I do not think those who leave later should be excluded from our consideration in connection with this matter.

Mr. JOHNSON of Texas. Mr. President, I have no knowledge about that, except that the Senator from Florida [Mr. HOLLAND] said that he and his group would leave late tomorrow evening. I have not attempted to ascertain how Senators are grouped in that connection; but I shall be glad to have Senators arrange pairs, if necessary.

I was trying to arrange the matter so that the maximum number of Senators would have an opportunity to vote. How Senators may be divided or grouped I do not know. The Senator from Vermont [Mr. AIKEN] was arranging to be absent, but he was not objecting to the request. I do not know how he would vote on this measure.

The Senator from Florida [Mr. HOLLAND] stated that he would be absent, beginning late in the evening.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. HOLLAND. Other Senators in addition to myself are involved. I have checked with them here on the floor. They say they are willing to remain here until midnight, tomorrow, if necessary, and then leave the following morning. We are willing to change our arrangements, if necessary. We think the proposed arrangement would take care of the matter.

Mr. JOHNSON of Texas. Mr. President, I submit my request.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement, as modified?

Mr. CLARK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSON of Texas. Mr. President, I give notice that we plan to bring up the tax bill tomorrow; and I hope all Senators who can be present will be here.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I should like to commend the Senator from Texas for his efforts to have the tax bill brought before the Senate and voted on at an early date.

I desire to point out that the bill involves over $3 billion in revenue, which is more than $9 million per day. If the bill is not passed and is not signed by the President by Tuesday night, that will not necessarily mean just a $9 million per day loss in revenue; it will mean that certain excise taxes on alcoholic beverages, cigarettes, and automobiles will be eliminated. Dealers will then be able to dump their inventories in wholesale quantities the following day without payment of this tax; and in that event the loss of revenue to the Government would be, not $9 million but perhaps as much as $100 million, as people stocked up and purchased in advance. It is impossible to impose retroactive taxes on any of these items. Failure to enact this bill by as much as 1 day after June 30 not only could result in substantial loss in revenue but would demoralize the retail markets for the item involved.

This bill must go to conference after the Senate acts, therefore it is imperative that we not delay consideration beyond this week.

Mr. BYRD of Virginia. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield briefly.

Mr. BYRD of Virginia. Mr. President, the Senator from Idaho inquired when the bill came from the House of Representatives.

The bill came to the Senate from the House of Representatives on June 9. The bill went to the Senate Finance Committee on June 10. Then the bill was sent to the Treasury, to obtain its recommendations. It was then necessary for the Finance Committee to hold hearings. Additional hearings were requested by the Senator from Illinois [Mr. DOUGLAS] and by other Members of the Senate who desired to be heard. The Finance Committee reported the bill this morning.

I submit that in the case of a bill which involves $3 billion, that is expeditious action—in 2 weeks.

ORDER FOR ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I move that when the Senate concludes its business today, it stand in adjournment until tomorrow morning, at 9:30 o'clock.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 6769), making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1960, and other purposes.

Mr. HUMPHREY. Mr. President, I am indeed gratified to see that the Senate Appropriations Committee has recommended in the Departments of Labor, and Health, Education, and Welfare appropriations bill for 1960 an appropriation of $933,172,800 for the Public Health Service, most of which is for research work and facilities in the National Institutes of Health.

This recommendation is much more realistic than the recommendations of the administration and the House of Representatives, and I wish again to commend the members of the Subcommittee on Labor and Health, Education and Welfare, including their distinguished chairman, Senator LISTER HILL, for facing with forthrightness the myriad health problems confronting us today.

Also, I wish to commend the NIH for its outstanding work against the various diseases and afflictions which are constantly crippling and snuffing out the lives of thousands of individuals.

Disease is a problem we cannot wish away. We must work, and work diligently, to determine its cause and to determine an effective solution. Research is the answer to dread diseases. Fundamental and applied research have astounded us in bringing some things which money cannot buy. I am speaking of the reduction in disability, lengthening of productive life, good health, happiness, and high morale.

The struggle against disease is not limited by national boundaries and ideologies. Indeed, all nations are challenged to mobilize their resources against disease.

Mr. President, the recommendation of the Appropriations Committee suggests to me that our resources, through NIH, will be mobilized in the next fiscal year against disease. It is my firm belief that we will not relent in our efforts until we can hail ourselves as the victors over disease.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. Do I correctly understand that the pending question is

on agreeing to the request for the yeas and nays on the question of final passage of the appropriation bill for the Departments of Labor and Health, Education, and Welfare?

The PRESIDING OFFICER. No; on that question the yeas and nays have already been ordered.

The question is, Shall the bill pass? On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD] and the Senator from Wyoming [Mr. MCGEE] are absent on official business.

The Senator from Wyoming [Mr. O'MAHONEY] is absent because of illness.

I further announce that if present and voting, the Senator from Virginia [Mr. BYRD] and the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is detained on official business, and, if present and voting, would vote "yea."

The result was announced—yeas 84, nays 10, as follows:

YEAS—84

Aiken	Green	Monroney
Allott	Gruening	Morse
Anderson	Hart	Morton
Bartlett	Hartke	Moss
Beall	Hayden	Mundt
Bible	Hennings	Murray
Byrd, W. Va.	Hill	Muskie
Cannon	Holland	Neuberger
Capehart	Humphrey	Pastore
Carlson	Jackson	Prouty
Carroll	Javits	Proxmire
Case, N.J.	Johnson, Tex.	Randolph
Case, S. Dak.	Johnston, S.C.	Robertson
Chavez	Jordan	Russell
Church	Keating	Saltonstall
Clark	Kefauver	Schoeppel
Cooper	Kennedy	Scott
Cotton	Kerr	Smathers
Dodd	Kuchel	Smith
Douglas	Langer	Sparkman
Dworshak	Lausche	Stennis
Eastland	Long	Symington
Ellender	McCarthy	Talmadge
Engle	McClellan	Wiley
Ervin	McNamara	Williams, N.J.
Frear	Magnuson	Yarborough
Fulbright	Mansfield	Young, N. Dak.
Gore	Martin	Young, Ohio

NAYS—10

Bennett	Dirksen	Thurmond
Bush	Goldwater	Williams, Del.
Butler	Hickenlooper	
Curtis	Hruska	

NOT VOTING—4

Bridges	McGee	O'Mahoney
Byrd, Va.		

So the bill (H.R. 6769) was passed.

Mr. HILL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The motion was agreed to; and the Presiding Officer appointed Mr. HILL, Mr. CHAVEZ, Mr. RUSSELL, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. MONRONEY, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. KUCHEL, Mrs. SMITH, Mr. HRUSKA, and Mr. ALLOTT conferees on the part of the Senate.

GENERAL GOVERNMENT MATTERS APPROPRIATION, 1960

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7176) making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1960, and for other purposes.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING RECESS OR ADJOURNMENT OF THE SENATE

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that Senate committees be authorized to file reports during the recess or adjournment of the Senate.

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

REPUTATION AND STANDING OF THE SENATE

Mr. GOLDWATER. Mr. President, I am very happy to see my colleague, the senior Senator from Oregon [Mr. MORSE] on the floor today. I suggested to my friend the other day that I would have some additional remarks to make commenting on what he said in the course of the debate; in fact, in the course of several debates. Before leaving for the weekend I advised the Senator by mail of this intent, and I telephoned his office this morning to inform him in person.

Mr. BUTLER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Those Senators desiring to converse will retire to the cloakrooms.

The Senator from Arizona may proceed.

Mr. GOLDWATER. Mr. President, today I wish to address the Senate of the United States upon a subject which causes me great concern. Traveling throughout the Nation my attention has been repeatedly invited to the low esteem in which this great legislative body is being regarded by substantial segments of our population.

Into my office come many foreign publications which contain references of nature derogatory to the Senate of the United States. Friendly nations are perplexed and worried. Communist propagandists are elated.

The reputation of the Senate of the United States as the greatest deliberative body on the face of the earth is precious. This reputation has been earned as a result of the efforts of people who have preceded us in this body. Their judicial, mature consideration of our Nation's problems have become a part of our legislative heritage.

Dignity, integrity, and honor have characterized this assemblage for over 150 years. Occasionally there have been Members whose conduct has degraded these Halls. However, usually their tenure herein has been very brief.

Though the Senate is a continuing body, its good reputation is not necessarily permanent. It must be maintained by each Senator, each in his own time, each by his own conduct. Since we form a sovereign body we must monitor our own behavior. I suggest to my colleagues that this Senate is doing little to enhance the legacy which we have received from the past.

There are those who believe that certain recent performances on the floor of the Senate have been unconscionable and tend to undermine the reputation of this assembly, both here and abroad, both with our friends and with our opponents.

The Constitution of the United States provides that no Senator can be called to account except by the Senate for any statement which he has uttered on this floor. This is a wise provision intended to guarantee that no tyrant can ever still the voice of freedom; but, like every privilege, it has a corollary responsibility.

Being immune from the normal legal processes of slander and libel, it is all the more necessary that every Senator of this U.S. Senate exercise extreme caution when referring to the character, the integrity, and the loyalty of persons who have no correspondingly equal recourse from his comments.

The normal rules of evidence and presumption of innocence which characterize our Anglo-Saxon legal traditions should certainly be observed by Senators who attack those who cannot fight back. This is but simple justice and fair play.

Those who use the constitutional protection of senatorial immunity to conduct slanderous attacks on individuals may turn a great freedom into a monstrous vice.

Mr. President, I might remind my colleagues that the Standing Rules of the Senate of the United States provide, rule XIX, clause 2:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

It is not my intention to in any way infringe upon this rule. However, there is nothing in the rules of the Senate which deprives me of the opportunity and privilege of quoting remarks of other Senators made both on the floor of the Senate and via the press, the radio, and television, and expressing my personal disagreement concerning those remarks.

Much has been said in the last few years by the senior Senator from Oregon [Mr. MORSE] from which I desire to dissociate myself.

Sometimes when only one side of the story is reported, people at home and abroad might be led to the conclusion that in silence there is assent. All too often wild and undocumented accusations receive the headlines while many who hold other views remain quiet.

Today the junior Senator from Arizona wishes to correct any such false impression on this point.

Mr. President, I want to refer to some remarks of my colleague from Oregon from which I wish to dissociate myself.

DEMOCRATIC PARTY

First, with regard to the Democratic Party in 1951, according to the San Francisco Chronicle, the senior Senator from Oregon stated:

The Democratic Party is bankrupt for leadership and the administration is honeycombed with corruption and malfeasance in office.

The junior Senator from Arizona was very critical of some individuals and practices which occurred in the last Democratic administration, but I do not concur with an overall condemnation of a vast political party which contains millions of honest, patriotic Americans among its membership.

Mr. President, to this day when I refer to the Democratic Party I am meticulous in my efforts to make clear my remarks are not all-embracing, because my objections and my condemnations certainly do not include all Democrats, as did the remark, evidently, of the Senator from Oregon.

PRESIDENT HARRY TRUMAN

Concerning President Harry Truman, the senior Senator from Oregon, according to the Corvallis, [Oreg.] Gazette-Times in a June 10, 1955, editorial, stated:

The Creator didn't give him [President Truman] the ability to deal with the problems he has to deal with as President.

The junior Senator from Arizona does not pretend to evaluate the gifts of the Creator to any man and personally has not in the past and does not intend in the future to invoke the name of the Creator in evaluating any public servant.

SENATOR LYNDON JOHNSON

On the subject of the Senator from Texas [Mr. JOHNSON] on January 23, 1954, the Detroit News quoted the senior Senator from Oregon as saying:

I am no longer a Republican, but there is a great difference between my position and joining the Democrats in the Senate.

How could I follow the reactionary leadership of Democratic Leader JOHNSON of Texas?

The Senator from Arizona on occasions has differed with the honorable Senator from Texas, but at no time have I deemed him to be a reactionary, implying as it does a person who is not concerned with the progress of our Nation.

PRESIDENT EISENHOWER

Mr. President, turning to consideration of President Eisenhower, the senior Senator from Oregon was quoted in an article in The Nation on May 5, 1956, as declaring that President Eisenhower was "a demogog, who was obviously willing to commit any expedient act for support."

According to the same article the senior Senator from Oregon was describing President Eisenhower as "the most dangerous man who has been in the White House," and that as early as January 1953, he declared him to be "completely lacking in political morality."

According to the St. Louis Post-Dispatch of October 19, 1952, the senior Senator from Oregon said that—

Dwight D. Eisenhower is "dangling and dancing from puppet strings jerked by evil and reactionary forces."

The Senator from Arizona has had occasion to disagree with the President, but he believes that President Dwight D. Eisenhower to be one of the greatest leaders of the free world. In 1956 over 35 million Americans demonstrated their confidence in President Eisenhower. The junior Senator from Arizona has the greatest admiration for the integrity, the honesty, and the courage of the President of the United States. Could any of my colleagues present today really believe the harsh words spoken by the senior Senator from Oregon about our President?

VARIOUS SENATORS

Now for some remarks about various colleagues—

Several years ago when the Senator from Oregon was a political Independent, according to an article in The Nation of May 5, 1956, he referred to Senators Lehman, Mansfield, and Humphrey as "gutless wonders."

The Senator from Arizona is a member of a different political party than the three gentlemen who were so characterized. Nevertheless, though the junior Senator from Arizona has wondered about some of the political positions of these worthy gentlemen, I have never found them lacking in intestinal fortitude; and I, therefore, wish the RECORD to show how thoroughly I disagree with this inelegant and intemperate description of them by the Senator from Oregon.

RICHARD L. NEUBERGER

For the last year or so the public has been exposed to a series of exchanges between the senior Senator from Oregon and the junior Senator from Oregon. According to Newsweek magazine of December 15, 1958, the senior Senator from Oregon wrote to the junior Senator as follows:

You have a lot of guts to write me the message contained in your letter. * * * It is further evidence of your untrustworthy tactics. The cowardly attempt in your letter to pass the buck to me for your failure and PORTER'S failure to consult with me about your bill is but further evidence of your complete untrustworthiness as a colleague. It is obvious in view of your oft-repeated amoral conduct that you and I simply agree to disagree.

In a subsequent letter the senior Senator from Oregon further wrote:

I understand very well why you are upset over my letters because at long last you now realize that I have had my fill of your deceit, trickery, and complete untrustworthy tactics. * * * My disrespect for you has become so complete that there is no basis on which you and I can work together.

It so happens that the junior Senator from Arizona is seldom in agreement with the political views of the junior Senator from Oregon; yet I desire to state that I do not consider the junior Senator from Oregon to be "amoral," "cowardly," "untrustworthy," or "deceitful."

As chairman of the Republican senatorial campaign committee, naturally I shall support a Republican in the next election in the State of Oregon; but I desire to make it perfectly clear that my opposition to the junior Senator from Oregon will be based upon matters of principle and political philosophy and, accordingly, I desire to dissociate myself from the use of personal invective.

While I know that some of my colleagues on this side of the aisle may think it strange for the chairman of the Republican Senatorial Campaign Committee to say this, I have served with the junior Senator from Oregon on the Indian Affairs Subcommittee, and on the full Committee on Interior and Insular Affairs, and I have found that he assiduously applies himself to the tasks assigned him. In my opinion he has done an excellent job for his State and for the Indians.

JOHN FOSTER DULLES

A few weeks ago there gathered in the city of Washington, D.C., a group of eminent men representing most of the free world and even parts of the Communist bloc. On that occasion the United States and these foreign representatives paid their final tribute to a great American statesman, John Foster Dulles.

It was the consensus of most thinking people that John Foster Dulles was a man of courage, integrity, and ability. In a recent article in the American Weekly magazine section of the June 14, 1959, Washington Post, the Senator from Massachusetts [Mr. KENNEDY] expressed the general opinion of humanity concerning Mr. Dulles.

The Senator from Massachusetts stated:

Not soon or easily will the American people forget this warrior for peace as his spirit sought fresh tasks which an overburdened body no longer could sustain.

In contrast, I quote a comment of the senior Senator from Oregon. On September 26, 1958, in a speech made in New York City, when he said:

Secretary of State Dulles insulted the intelligence of every thinking American in his speech of shocking deception last night. * * * This evil man, bent on war, must be checked if our Nation's glorious record of having never been an aggressor nation is to be preserved.

Let the RECORD show that the junior Senator from Arizona violently disagrees with the senior Senator from Oregon as to his characterizations.

I ask the Senate of the United States if there is any Member who really believes that John Foster Dulles was an evil man. Is there one among us, save perhaps the senior Senator from Oregon, who really believes that John Foster Dulles was bent on war? Is it not only fair that the world know that some of us believe the senior Senator from Oregon is in error in his comments concerning our former Secretary of State?

THE ASSOCIATED PRESS

The Senator from Arizona has some very firm opinions which occasionally have elicited unfavorable response from

certain segments of the press. However, though I sometimes am in disagreement with the evaluation which is placed upon my efforts by newspaper reporters, I have always held to the belief that whatever disagreements existed were the result of honest differences of opinion, to which we are entitled in a free society. Therefore, I wish to disassociate myself from an evaluation made by the senior Senator from Oregon of the working press.

On June 11, 1953, on the floor of the Senate, the senior Senator from Oregon stated:

> What causes us to think that because a man is a newspaperman he possesses some exceptional ability? They are very average and mediocre people, by and large, especially the editors. If most of them took time out to read a book I believe they would develop some gastric difficulties, as well as mental difficulties.

On May 28, 1953, also on the floor of the Senate, the senior Senator from Oregon further remarked:

> I wish to say to the Associated Press that until I receive an apology for the conduct of their correspondent on the floor of the Senate yesterday afternoon, I never want a member of the Associated Press ever to darken the door of my office, because as of now they are persona non grata, so far as the junior Senator from Oregon is concerned; and I would not give them a conference on any subject, because I do not trust their veracity, I do not trust their intellectual honesty, I do not trust their journalistic ethics. I think the Associated Press will understand that language.

The junior Senator from Arizona has met many newspapermen. I wish the RECORD to show that I believe most of them are people of exceptional ability. I do trust their "veracity," their "intellectual honesty," and their "journalistic ethics" even though I retain the privilege of disagreeing with them when my conscience so dictates.

CLARE BOOTHE LUCE

Recently the senior Senator from Oregon was extremely active in the matter of the confirmation of Mrs. Clare Boothe Luce as the American Ambassador to Brazil.

The senior Senator from Oregon interrogated Mrs. Luce vigorously concerning matters involving her judgment. Furthermore, the Senator from Oregon made the flat statement that—

> It is for me to pass on your mental processes.

Later he stated on the floor of the Senate that he had reached the conclusion that Mrs. Luce's behavior was "abnormal."

The Senator from Arizona desires the RECORD to show that in his opinion Mrs. Clare Boothe Luce is a talented, intelligent, patriotic, dedicated American woman; and further, that her resignation as the Ambassador to Brazil has been a great loss to both the United States and to Brazil.

In addition, the Senator from Arizona desires to state that personally he does not consider that it is his own function or that of any other Senator to examine the mental processes of any free American. The Senator from Arizona does not believe it is the function of Congress to practice medicine without a license and to make diagnostic utterances concerning the mental health of public officials.

The junior Senator from Arizona believes it will be a tragic day in American history if Senators of the United States take upon themselves, in addition to their legislative duties, the work which is generally assigned to specialists in the field of medicine.

On April 28, 1959, the senior Senator from Oregon further remarked on the floor of the Senate that Mrs. Luce's statements were malicious distortions and untruthful.

Personally, I desire the RECORD to show that the junior Senator from Arizona has the greatest respect for the honesty of Mrs. Luce and that he would never believe that she could be guilty of malicious distortion.

This Senator from Arizona is not an attorney. In the past I have regretted my lack of legal training. I have always associated the study of law with calm, logical, equitable procedures.

On recent occasions, however, I have begun to realize that it is more important to retain a respect for the personality, for the feelings and for the rights of others rather than to sit in judgment as a prosecutor.

ADM. LEWIS L. STRAUSS

The Senate has just finished a lengthy examination of the qualifications, character, ability, and so forth, of Lewis L. Strauss, nominated to be Secretary of Commerce. There were harsh and inflammatory words spoken.

On May 28, 1959, the senior Senator from Oregon stated on the floor of the Senate:

> I want to say, with great restraint, Mr. President, to the President of the United States, "You owe it to the American people to withdraw Strauss's name at once, because he has demonstrated by his course of action, as shown by what the Senator from New Mexico has placed in the RECORD, that he is an enemy of the people. He is an enemy of democratic government."

The Senator from Arizona desires the RECORD to show that subsequently I protested the use of the words enemy of the people and enemy of the democratic processes. My protests were to no avail.

This Senator from Arizona believes that the motives which impelled Lewis Strauss to be available for public office are unimpeachable.

Honest men can have differences of opinion concerning the advisability of various programs. I believe that Lewis Strauss is a man of integrity, patriotism, and ability. Few people in this country will achieve the record of public service which Lewis Strauss has accomplished.

The problems with which Lewis Strauss has dealt were all complex, not yielding to simple solutions. Frankly, I believe the American people lost the services of a brilliant public servant when the Senate rejected Lewis Strauss as Secretary of Commerce.

In view of all the foregoing, I violently disagree with comments made by the senior Senator from Oregon, and I wish it to be known that I am sincerely concerned about the use of such language on the floor of the Senate.

Mr. President, I could continue with a lengthy list of disagreements which I have with the senior Senator from Oregon. I could list statements made by the Senator from Oregon about former President Hoover, Mr. Stassen, Mr. McKay, Mr. Ickes, Senator Ives, Senator Knowland, Senator Saltonstall, Charles E. Wilson, Mrs. Oveta Culp Hobby, Mrs. Ruth Shipley, Governor Hatfield, and others, and register my disagreement with the Senator from Oregon.

Apparently, however, there would be little profit for me to continue to enumerate the areas of disagreement which exist between the senior Senator from Oregon and the junior Senator from Arizona. The pattern is plain. The Senator from Oregon certainly has a right to his own opinions and the RECORD reflects that he is not reluctant to express them.

It is sufficient to say that when I hear such words and phrases as "cowardly," "untrustworthy," "amoral," "deceit," "trickery," "disloyal," "snide," "sanctimonious," "disrespect," "gutless," "mediocre," "mental difficulties," "lack of veracity," "lack of intellectual honesty," "disgraceful," "contemptible," "reactionary," "class conscious," "corrupt machine politics," "malfeasance," "totalitarian," "lacking in political morality," "the most dangerous man who was ever in the White House," "political hypocrisy," "maladministration," "slave to big business," "Fascist, 'big lie' technique," "political mush," half-truths," immorality," "dangling and dancing from puppet strings jerked by evil and reactionary forces," "demagogery," "evil," "bent on war," "gross incompetency," "enemy of the people," "enemy of democracy," "dishonest," "unreliable," "unstable," "a subversive character," "police state tactic," "a tool of the oil interests," "a stooge for American big business interests," and others, all of which have been used by the senior Senator from Oregon to describe various individuals in public life, the Senator from Arizona is in disagreement.

In my opinion, and I trust I am entitled to an opinion, the dignity and the reputation of the U.S. Senate is never enhanced when personal invective is invoked instead of calm, mature deliberation.

It seems to me, therefore, that the time has come for those who, like myself, are thoroughly conscious of the rights and privileges of American citizens to speak out whenever intemperate language or name calling is used in debate.

It is my belief that many of my colleagues share my concern.

As the senior Senator of Oregon himself so succinctly stated on June 30, 1954:

> The issue * * * is whether the Senate of the United States is going to countenance political thuggery in American politics.

Mr. President, I ask unanimous consent that an editorial appearing in the Detroit News of Saturday, June 20, and an editorial published in the Valley

Times of California, entitled "Strauss Defeat in Senate Vote Shows Personal, Political Venom," and an article entitled "Absurdity of Strauss Slander," written by George Todt and published in the same newspaper, be printed in the RECORD at this point in my remarks.

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

[From the Detroit News, June 20, 1959]

STRAUSS REJECTION—SENATE DISCREDITS SELF

The Constitution says the President's appointments to cabinet and other principal Government posts shall be made by and with the advice and consent of the Senate. In the case of Lewis L. Strauss, the Senate has refused its consent and advised Mr. Eisenhower to find another Secretary of Commerce.

It was not good advice.

We have already observed that Mr. Strauss is an arrogant man, opinionated, and unloved by many. But he is also a singularly able man who has served governments, both Democratic and Republican, for nearly 4 decades.

Commentators generally are interpreting the rejection vote as a "slap" at the President, which it was. But unlike previous Cabinet rejections which saw bipartisan disapproval founded on independent senatorial conviction, this one found only two Republicans (one the eccentric Mr. LANGER, of North Dakota) opposing the appointment and all but 15 Democrats who were present recorded the other way.

What were the "charges" against Mr. Strauss?

One alleged insensitivity concerned an alleged conflict of interest in the so-called Dixon-Yates case. But the conflict, if it really existed, did not personally involve Mr. Strauss. His "crime" in the Dixon-Yates matter was his conviction, shared by Mr. Eisenhower, that private enterprise still has a place in the public utility field. If, as the Senate could be interpreted as saying, a President now must surround himself with Cabinet members opposed to his own basic philosophies, then we have come to a pretty pass.

Strauss also was accused of withholding from the public facts about atomic fallout. We do not condone such action but neither do we believe it was an honest charge. Mr. Strauss, as Chairman of the Atomic Energy Commission, has a burning conviction that nuclear weapon tests must continue. His chief opponent, Senator ANDERSON, of New Mexico, violently disagreed. But administrative officials are not required to agree with Senators, no matter how prominent they may be and no one (Senator ANDERSON included) has ever charged that Strauss' opinion on atomic testing was dictated by anything other than a sincere conviction as to what was best for his country.

Strauss was accused finally of a bias favoring business. But, if a nominated Secretary of Commerce is to be rejected on that ground, does it follow that the Senate now will require that future Secretaries of Labor be biased against labor unions?

These were not the real reasons for the Senate action.

Helped undoubtedly by the fact that many Senators disliked the nominee and therefore had no personal reluctance to slap him down, the rejection was a Democratic Party-line retort to the President's threatened veto of pending legislation. The Senate majority would show the President, which it did. And in the process it also showed itself in an unflattering light.

[From the Valley Times, June 20, 1959]

STRAUSS DEFEAT IN SENATE VOTE SHOWS PERSONAL, POLITICAL VENOM

Personal pettiness and political spite won out in the U.S. Senate to defeat confirmation of the appointment of Adm. Lewis Strauss as Secretary of Commerce.

The handling of this case, the months of delay of action, and then the weeks of debate marked chiefly by unreasoned vindictiveness, has been a disgrace and a discredit to a body of the people's representatives of the rank, power, and responsibility of Senators.

It is doubtful that one out of a dozen persons of the run of the streets would be able to give any substantial answer if asked for reasons for this outstanding, loyal, and notably serviceable man's rejection for continuation in an office in which he has been serving creditably in an interim capacity. If they spoke out with the first thing coming into their minds, probably two out of every three trying to answer at all would say something about the ranting of Senator WAYNE MORSE, that man whose personal temperament and political psychology are incomprehensible.

What MORSE and other anti-Strauss fighters said was that the great scientist, former Atomic Energy Commission head, lacked integrity and was short on the talents to enable him to get along with Congress. As to integrity, in the weeks and in the bitterness of all the squabbling not a charge of dishonesty or professional or administrative crookedness was proved. As to ability to get along with Congress—in the sense of being subservient and bootlicking—the outstanding military officer-scientist is not that kind, could not be if he chose.

The outcome of this case is indisputably a severe blow for President Eisenhower, both personally and politically. It is a damaging punch for his Cabinet and his administration. But those points are things one must contend with in political life and in responsible office.

Senator HUGH SCOTT, an administration man from Pennsylvania, who did most of the work in support of the Strauss appointment, summed up the final chapter of the tragedy about as well as anyone could when he said:

"A band of bitter men have brought political execution upon an honored public servant. Admiral Strauss, patriot in war and in peace, has been shabbily treated for trivial personal reasons."

[From the Valley Times, June 20, 1959]

ABSURDITY OF STRAUSS SLANDER

(By George Todt)

"Zeal is very blind, or badly regulated, when it encroaches upon the rights of others."—Pasquier Quesnel.

The shabby little personal vendetta now being conducted against Adm. Lewis Strauss in the Senate has, by this time, assumed the monumental proportions of a tempest in a teapot.

Seldom has the Nation been treated to such a cockeyed and warped performance as this one. Some of the august Senators are acting like little boys at recess in the first grade. Just letting off steam. Thumbing the nose. Name calling.

In little boys, this is not unexpected by way of performance. But the gentlemen on Capitol Hill who are now acting with such lack of manners, taste and good judgment are, remember, Senators.

The strangest part of it all is that the most vindictive voices against Admiral Strauss are, to a very large extent, those of indentical solons who used to deplore "McCarthyism" and "witch hunting" and "book burning" so vociferously when a certain Wisconsin Senator was still alive.

They were the same people who ranted against his "methods" so much that you might have been led to believe that they would never have used the much less substantial methods they are presently engaging to attempt the downfall of a great public servant, such as Mr. Strauss.

In the words of Senator THOMAS J. KUCHEL, Republican, of California, the admiral has distinguished himself in the service of our country under three previous Presidents of the United States.

"I only wish to say," said Senator KUCHEL in the Senate recently, "that it would be interesting to me to have some Member who opposes the confirmation of the nomination of Admiral Strauss (as Secretary of Commerce) to point out at what point in his career he suddenly acquired the characteristics to which my colleague, the Senator from Texas, now alludes, because the nominee served under three Presidents of the United States in positions of trust and responsibility. But now, all of a sudden, we are told that he is devious."

This case presently reeks of bias and prejudice. And trivia. The accusations against Strauss don't amount to a row of beans. It is a tremendous point in his favor that his political enemies have not been able to come up with anything really substantial in their arguments against him. All we have heard thus far are gripes—and small, peevish gripes at that.

When men like former President Herbert Hoover, Senator STYLES BRIDGES, Republican, New Hampshire, and Senator BARRY GOLDWATER, Republican, Arizona, go to bat for Admiral Strauss, we may rest assured that his character is not in default. On the contrary, the character of Lewis Strauss is the most telling thing about him.

When he had to take necessary security action against Dr. Robert Oppenheimer, pampered scientific darling of the Nation's left-wing liberals, he did so without fear or qualms in the matter.

He knew that Oppenheimer had numerous Communist contacts surrounding him in his personal life and, for this reason alone, took him out of sensitive areas of our nuclear setup.

Now if he hadn't done this, it could have reacted very unfavorably later on against many innocent parties beyond the Admiral, himself. It would likely have reflected on many, many more people than Lewis Strauss. Bitter bigots might have quickly and easily read wrongful meanings into his protective action if he had been too easy on Oppenheimer.

To his everlasting credit, he treated Oppenheimer as any other security risk and acted accordingly. He removed him from the area where potentially important information might be leaked to contacts around Dr. Oppenheimer, however inadvertently on his part.

I don't see any other honorable and sane course open to Admiral Strauss at the time, do you?

And it is a sad thing to see this fine American getting an illiberal dosage of the treatment today from the same old liberal crowd who deplored what they are doing when they claimed it was being done by Senator Joe McCarthy. Now how about that?

Mr. MORSE. Mr. President, rising to a point of personal privilege, I should like to help the Senator from Arizona complete his speech attacking me by asking unanimous consent that there be published in the RECORD an article appearing in the Portland Oregonian of July 7, entitled "BARRY GOLDWATER Flies

to Spokane To Blast MORSE Senate Actions."

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

BARRY GOLDWATER FLIES TO SPOKANE TO BLAST MORSE SENATE ACTIONS

SPOKANE.—Senator BARRY GOLDWATER, Republican, of Arizona, flew into Spokane in his own private plane Saturday and then took off on Senator WAYNE MORSE, the Democrat from neighboring Oregon.

"MORSE's remarks on two great Americans, Lewis Strauss and Clare Booth Luce, have done more damage to the prestige of the Senate in the United States than any I've ever heard," GOLDWATER said.

"And his remarks have done damage to our prestige around the world because the Communists have had a field day with what he said about Mrs. Luce."

GOP SEEKS FUNDS

GOLDWATER made his comments to a reporter and said he would follow the same theme in an address later at a $25-a-plate Republican fund-raising dinner.

MORSE opposed the nomination of Mrs. Luce as Ambassador to Brazil and has also spoken out against confirmation of Strauss as Secretary of Commerce. Mrs. Luce's nomination was confirmed by the Senate, but she then resigned after her row with MORSE.

GOLDWATER said MORSE was a leader in the action that led to Senate censure of the late Senator Joseph McCarthy, Republican, of Wisconsin, and added:

"MORSE ought to get down on his knees and apologize to Joe McCarthy for what he has done on the floor of the Senate."

OTHERS FOLLOW CUE

GOLDWATER said Representative CATHERINE MAY, Republican, of Washington, the State's first Congresswoman, and others who have been critical of the Luce and Strauss appointments, "are being led around by the nose by MORSE."

A reporter asked if Republicans had considered some form of censure against MORSE.

"I considered a motion to rescind the condemnation of McCarthy, but I think I'll drop it," GOLDWATER said. "It might hurt Strauss.

"Not that I want to hurt MORSE. I have a kind personal regard for him. But he shouldn't tear down the dignity of the Senate."

Mr. MORSE. Mr. President, I ask unanimous consent to have published in the CONGRESSIONAL RECORD at this point an article from the Eugene, Oreg., Register Guard entitled "GOLDWATER Blasts MORSE in Spokane—Damage to Prestige of Senate Is Noted."

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

GOLDWATER BLASTS MORSE IN SPOKANE—DAMAGE TO PRESTIGE OF SENATE IS NOTED

SPOKANE.—Senator BARRY GOLDWATER, Republican, of Arizona, flew into Spokane in his own private plane today and then assailed Senator WAYNE MORSE, the Democrat from neighboring Oregon.

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"And his remarks have done damage to our prestige around the world because the Communists have had a field day with what he said about Mrs. Luce."

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"Not that I want to hurt MORSE. I have a kind personal regard for him. But he shouldn't tear down the dignity of the Senate."

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article published in the Oregon Statesman entitled "GOLDWATER Claims MORSE Damages Senate Prestige."

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

GOLDWATER CLAIMS MORSE DAMAGES SENATE PRESTIGE

SPOKANE—Senator BARRY GOLDWATER, Republican of Arizona, flew into Spokane in his own private plane Saturday, then took off on Senator WAYNE MORSE, the Democrat from neighboring Oregon.

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OPPOSED MRS. LUCE

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"Not that I want to hurt MORSE. I have a kind personal regard for him. But he shouldn't tear down the dignity of the Senate."

Mr. MORSE. Mr. President, I judge from these newspaper articles and from the interesting speech just delivered by the Senator from Arizona that he does not particularly like the senior Senator from Oregon nor approve of the style of debate the Senator from Oregon engages in from time to time.

However, judging from the early part of his remarks, he confesses that the Senator from Oregon has not been in violation of any rule of the Senate. Of course, if the Senator from Oregon has been in violation of the rules of the Senate the Senator from Arizona knows the procedural course of action which is open to him, and that is to file with the Senate a resolution of censure against the senior Senator from Oregon. In that way the Senator from Arizona can have the Senate pass judgment on the parliamentary course of action of the senior Senator from Oregon.

Any time the Senator from Arizona or any other Senator wishes to offer such a resolution, I shall stand my trial gladly and let the Senate be the judge.

Finally, I am quite unimpressed by this attack. It is the type of attack which frequently has been visited upon the Senator from Oregon by his partisan critics and personal enemies. Let me say to the Senator from Arizona that so long as it is my public trust to serve in this body, I intend to carry out my duties within the rules of the Senate in accordance with my best judgment as to what needs to be said in order to call the attention of the American people to the facts about the issues which face them. When I think some public official is untrustworthy, or evil, or subversive, or politically immoral I intend to say so and I shall back up my charges with proof as I have in the past.

I have no intention of answering item by item the charges made by the Senator from Arizona. His attack is not deserving of that much consideration on my part. But I wish to say something about his remarks concerning my criticism of Secretary Dulles.

No one could be more sympathetic about the physical tragedy which struck Secretary Dulles than the senior Senator from Oregon. I never like to see anyone, friend or opponent, suffer from any physical ailment. But I am no hypocrite. I was an opponent of the foreign policies of Secretary Dulles. I am still an opponent of the foreign policies of Secretary Dulles. In my judgment, in 1955 the United States came very close to a preventive war because of the policies of Secretary Dulles and the proposed preventive war policies of some of the top officials in the Pentagon Building.

How well I recall the crisis which confronted the joint hearing held by the Committee on Foreign Relations and the Committee on Armed Services in 1955

when the Formosa resolution was before those committees. There was elicited in the testimony then taken what was clearly a policy proposal under that resolution which, if adopted, might very well have led us into a preventive war. The record of that hearing is a matter of history. I shall always be proud of the fact that in that hearing I took the lead in opposition to the policy expressed in the testimony of the Secretary of State and the chairman of the Joint Chiefs of Staff.

As a result of the debate which ensued, the chairman of the committee, who was then Senator Walter George, of Georgia, went to the White House for a conference with the President of the United States. He came back and expressed to me, in the cloakroom to my right, his great fear, too, that the United States might well become involved in a preventive war if the statements of the Secretary of State and the Chairman of the Joint Chiefs of Staff had gone unchallenged.

He went to the White House, talked to the President, and got a clarification of the situation. It was then that the White House issued its famous statement that the President, and the President alone, would make the decision concerning the course of action to be followed in Asia with respect to carrying out the proposals of the Formosa doctrine.

Mr. President, the Senator from Arizona is certainly privileged, as other Senators are privileged, to disagree with me as to why I think the policies of the Secretary of State might have led the country into a preventive war if some of us had not opposed his policies very critically from time to time.

I have always been of the opinion, and still am, that if some of us had not been willing to stand up against the original Dulles doctrine in 1955—and finally it got to just three of us on the floor of the Senate—the United States might very well have become involved in a preventive war in that year. Many persons in this country share that point of view. When I say many, there are many who have researched this matter who share that point of view.

Those of us who share that point of view represent honest, sincere, and serious differences of opinion with regard to the policies of the Secretary of State from those who supported the Secretary's policies. When I think a leader of our Government is following such a course of action I shall not hesitate to criticize him. I shall do so because I think a preventive war would be plainly immoral and inexcusable. I do not intend to speak of such a leader with hypocritical compliments on my lips.

Apparently the Senator from Arizona is averse to the use of critical and negative adjectives describing the course of conduct of a public official. But whenever I believe that a public official is not deserving of the trust of the American people, I intend to say so within my rights as a Member of this body, on and off the floor of the Senate. I express my convictions on and off the floor of the Senate and do not hide behind senatorial immunity.

I would be less than human if I did not say that I am sorry the Senator from Arizona thinks so ill of the senior Senator from Oregon. But it seems I will simply have to take comfort in the enemies I make and be judged by the enemies I make. I have no intention of changing my course of action by betraying the trust which I think I owe to the people of my State and my Nation, simply because my course of action may not be pleasing to the Senator from Arizona or to others of my colleagues in the Senate.

I am perfectly willing to be judged now, and to be judged after I am gone, by my record in the Senate, and by the fact that I shall never be afraid to call a spade a spade or to call the shots as I see them.

Of course, it would be nice to have the good will of the Senator from Arizona. But I assure the Senate that I did not ask him to make the speech he has made. However, I thank him for it. If I could have persuaded him to make it, I would have persuaded him to do so, because I would like to be judged by the opposition to me by the Senator from Arizona.

Finally and good naturedly, I wish to say that there may be something which would concern me less than the criticism of the Senator from Arizona; but if there is, I do not know what it is.

Mr. GOLDWATER. Mr. President, I did not make my remarks with any feeling that they would make a great impression on the senior Senator from Oregon, because I feel certain other persons have discussed with him what they feel to be the use of intemperate language.

The Senator from Oregon mentioned censure. That has been suggested. I have flatly refused to be a party to it. I voted against the censure of Senator Joe McCarthy because I think a Senator has the right to say what he wants to say. I will defend the right of the Senator from Oregon in that respect.

All I attempted to do in my remarks today was to point out the consistency of intemperateness which is characteristic of the remarks of the senior Senator from Oregon. I did so in the hope that his brilliant mind and his respect for people might cause him to pause as he disagrees with the policies of others, and to consider the language in which he might express his disagreement with them.

I do not disagree with the right of the senior Senator from Oregon to disagree with John Foster Dulles, to whom he referred as "this evil man." Of course, anybody could criticize Mr. Dulles; but he was not an evil man.

My whole purpose in speaking today was to plead with the intelligence of the senior Senator from Oregon, to plead with his sense of decency, as so often expressed by his feelings about civil liberties and civil rights, so that his future choice of language might be different.

I shall not stand here and say that the language of the junior Senator from Arizona has always been temperate. I am certain I have uttered many intemperate words. I wish I could take them back. Whenever I have uttered them and have found them to be wrong or intemperate, I have tried to correct them by apologies or by statements of retraction.

The whole purpose of my remarks was to dissociate myself from the language used by the senior Senator from Oregon from time to time, because it might have been assumed that my silence meant that I agreed with what he said.

EXTENSION OF RENEGOTIATION ACT OF 1951

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7086) to extend the Renegotiation Act of 1951, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of Virginia. Mr. President, I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. WILLIAMS of Delaware, and Mr. CARLSON the conferees on the part of the Senate.

GENERAL GOVERNMENT MATTERS APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 7176) making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1960, and for other purposes.

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

The PRESIDING OFFICER (Mr. DODD in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PROXMIRE. Mr. President, I call up my amendment, and ask that it be stated.

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

Mr. PROXMIRE. I yield.

Mr. KUCHEL. Is this an amendment to the general Government matters appropriation bill?

Mr. PROXMIRE. Yes.

Mr. KUCHEL. The chairman of the subcommittee is not on the floor. I am not going to ask for any delay to take place, but I hope someone will contact the able senior Senator from Washington [Mr. MAGNUSON]. He told me he wanted to be on the floor.

Mr. JOHNSON of Texas. I am informed the Senator from Washington is en route to the Chamber, but, at the request of the minority leader, I thought we would try to make progress.

The PRESIDING OFFICER. The Chair wishes to inform the Senator from

Wisconsin that the committee amendments should be disposed of first.

The clerk will state the first committee amendment.

The first amendment of the Committee on Appropriations was, under the heading "Funds Appropriated to the President—Emergency Fund for the President, National Defense," on page 5, after line 10, to insert:

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed $75 per diem, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Bureau of the Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, $250,000, to remain available until expended, and to be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended.

The amendment was agreed to.

The next amendment was, under the heading "Subversive Activities Control Board—Salaries and Expenses," on page 8, line 23, to strike out "$380,000" and insert "$360,000."

The amendment was agreed to.

The PRESIDING OFFICER. The bill is now open to further amendment.

Mr. PROXMIRE. Mr. President, I ask that my amendment be read by the clerk.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 2, line 18, to strike out "$2,221,000" and insert, in lieu thereof, "$2,136,719: *Provided*, That no part of this appropriation shall be available for the payment of compensation to (1) any person occupying the position of Assistant to the Deputy Assistant to the President, (2) any person occupying the position of Staff Assistant to the President, and (3) more than four Administrative Assistants to the President."

Mr. PROXMIRE. Mr. President, this amendment would eliminate the appropriations for five of the seven lobbying positions in the White House Office.

The taxpayer is now required to pay the salaries of lobbyists whose sole job is well known to be to sway the Congress to agree with the President. This is morally indefensible. It is also clearly illegal. It violates the lobbying code, which specifically prohibits the use of any money appropriated by Congress to be used to influence in any way the legislative action of a Member of Congress.

Here is what title 18, section 1913, of the Criminal Code and Criminal Procedure provides:

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member of Congress or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Mr. President, it is clear that this law flatly, clearly, and explicitly prohibits the use of any money appropriated by the Congress to be used to influence the Congress, with two very exact and specific exceptions.

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

Mr. PROXMIRE. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the passage of the bill, so that all Senators may know we expect to have a vote this evening.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I repeat, it is clear that this law flatly, clearly, and explicitly prohibits the use of any money appropriated by the Congress to be used to influence the Congress, with two very exact and specific exceptions.

No. 1: Employees of the United States may communicate with Members of the Congress on the request—I repeat, on the request—of Members. That is when the Congressman takes the initiative. The initiative in the case of this exception obviously should not come from the President. This particular exception could understandably permit the one or two legislative aids that my amendment would still permit. But it is perfectly obvious, Mr. President, that the exception does not permit the kind of wholesale, aggressive, unsolicited expansion of the legislative staff to permit a kind of pressure that I shall describe later, and which has been obvious to those who have closely followed this Congress particularly.

The only other exception to the law's flat prohibition is communication to Congress through the proper official channels—I repeat, the proper official channels. This, of course, would except from the law's proscription the President's annual state of the Union message, his other, formal, publicly declared messages to Congress. It would except the proper, official channel of the congressional committees, and testimony before the committee by officials of the executive branch. But, Mr. President, if this ban against executive branch lobbying is to have any meaning at all, it cannot permit the President to use congressional appropriations to hire lobbyists to take the initiative to seek out Members of Congress privately to pressure them, for such reasons as party loyalty, to support his position against the program of the congressional majority.

Of course, the President must have staff assistance in dealing with Congress, but, as pointed out by the Wall Street Journal of a few days ago, in place of the one or two men, at the most, that Roosevelt and Truman had, Eisenhower now has six full-time envoys to Capitol Hill, plus General Persons, his chief of staff, who spends much of his time dealing with legislators.

I have offered this amendment because the President is simply setting the pace. What is happening in the big emphasis on White House lobbyists is also happening throughout the executive branch. For instance, Army and Air Force lobbyists have grown from 5 in 1940 and 65 in 1946 to 248 today.

That is about a fiftyfold increase. There are 50 times as many lobbyists representing the Army and Air Force as there were in 1940. As a matter of fact, there are some four times as many as there were in 1946, when the Army and Air Force were larger than they are today.

In fact, the total Pentagon lobbying team is 330. And it is scheduled to expand by a dozen or more this year. The Wall Street Journal recently estimated that there are 500 people in the executive branch now engaged in what is euphemistically called legislative liaison. The cost is $3.5 million every year.

This means that there are about as many legislative liaison workers as there are Congressmen. What a situation. The Congress has not grown very significantly in size in the past 10 or 20 years; but the army of legislative liaison personnel has multiplied, perhaps as much as fortyfold—4,000 percent—judging by the increase in the Army and Air Force complement. And, Mr. President, the legislative liaison corps continues to grow by leaps and bounds even in this economy-minded administration.

But the White House lobbyists are the real, partisan, major leaguers. They step in on major, Republican versus Democrat issues. Paid by the taxpayer, they push Republican Party loyalty in persuading Members of Congress to go along with the President and the Republican Party program. The President's lobbyists move in usually as the clinchers on the major policy bills.

Frankly, these lobbyists are doing well in their job of imposing the will of the White House on Congress, all things considered, and with a prominent exception or two. In fact they are doing very well, indeed. The reason for the President's ability to smother a Democratic program has mystified many. The appropriations this Congress is asked today tc make to continue the President's ace lobbying staff at three times the pre-Eisenhower level is one of the reasons, and a big one, why the President has prevailed over an apparent congressional majority position. This may be fine for the President and for the Republican Party, but for the taxpayer it simply amounts to an involuntary contribution to a partisan program.

This amendment would attempt to stop the President from using the taxpayers' money to persuade Congress to accept a viewpoint which the great majority of

taxpayers rejected in the congressional elections of 1958.

Mr. President, an excellent study entitled "Ike's Lobbyists" was recently made by the Wall Street Journal. The headline reads: "Administration Enlarges Staff Assigned To Sell Programs to Congress." The subhead is "Liaison Men Write Speeches, Answer Questions, Set Up Trips, Push Party Loyalty; Annual Costs: $3.5 Million."

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

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

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, in the course of this article Lester Tanzer, the Wall Street Journal Reporter, describes how the lobbying operates, as follows:

The lobbyists chief tools: Facts "presented in the right manner and at the right time," according to one administration student of the art and party loyalty. When it comes to efforts to influence legislation, liaison workers deal mostly though not exclusively, with Republicans, leaving largely to higher officials the job of selling administration programs to Democratic leaders.

This is a statement from the Wall Street Journal, quoting a statement of White House lobbyists and other lobbyists:

You tell the Congressman, "look, here's a good bill," and you make your detailed case for the bill, explains an administration lobbyist. "You tell him the President is quite anxious to get his vote. Unless he's under strong local pressures in his district, he'll go along with you. If he sits on the fence, well, you find people who know him best or you get the Republican party leadership to work him over."

This is from the Wall Street Journal. Let me repeat that very interesting last clause:

You get the Republican Party leadership to work him over.

This, Mr. President, is a lobbyist paid out of an appropriation of this Congress, speaking.

Now, Mr. President, I come to the most serious reason why my amendment should be adopted. We live in a constitutional democracy. The Constitution is the fundamental document on which all of our laws should be anchored.

Of all the principles which animated the authors of the Constitution, none is more evident in that ingenious document than the Separation of Powers.

The Founding Fathers knew, and Americans should never forget, that the essence of our constitutional freedom goes back to the simple principle of self-government and freedom which Aristotle perceived 2500 years ago, and for which the French apostle of constitutional freedom, Montesquieu, is principally remembered: to wit, that the same group, or agency, or man should not make the laws, then execute those laws, and interpret the laws.

If the Congress appropriates money to permit the President to hire a personal lobbying staff which can enable the President to go a long way to determine what shall be the law, this fundamental principle is obviously subverted.

And it could hardly be more clear that the Constitution of the United States has been subverted, too.

Mr. President, I read from article I section I of the Constitution:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

This section is explicit and unqualified. There is no question that the Constitution gives the Senate and the House the sole power. And this is exactly what my amendment is designed to protect. For it is perfectly obvious that when the spirit and very likely the letter of the criminal code outlawing executive lobbying is violated by a sixfold increase in White House lobbyists, the appropriation measure which condones and permits the practice is an invitation to the President of the United States to exercise a very great, if indirect, legislative power.

Now, Mr. President, article II of the Constitution says what the President's power and authority shall be.

Section I of article II provides:

The Executive power shall be vested in a President of the United States of America.

Mr. President, section 3 of article II states exactly where the President's communication with Congress should constitutionally begin and end:

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Mr. President, that is it, in toto. Now can any fair-minded person tell me that any clause, any phrase, any word could possibly countenance the appropriation of public money to permit the President to hire lobbyists to privately work his will on the Congress.

Mr. President, the entire purpose of appropriating money for this many White House lobbyists is not to permit the Congress to adopt a more enlightened foreign-aid program, one more in the public interest, but to permit the President to impose his concept of a foreign-aid program on the Congress; to permit the President's foreign-aid program, not the congressional foreign-aid program, to prevail. This amendment of mine would not touch, would not mitigate one iota, the ability of Members of the Senate and the House to get all the information they desired to arrive at a decision based on their own judgment of what was in the public interest.

This amendment would deny the President the taxpayer financed power to impose his partisan will through lobbyists on the Congress, in determining the kind of housing program we have or do not have; the kind of education program we have or do not have; the kind of Fair Labor Standards Act; the wage and hour legislation, we have or do not have; the kind of unemployment compensation and depressed areas legislation this Congress shall pass or fail to pass.

Unless we amend the appropriation bill to knock out this excessive White House lobbying, we are appropriating taxpayer's money to permit the President to write the laws of this country in violation of the Constitution, and indeed of our own authority as Senators.

Mr. President, let us be completely frank. This amendment boils down to a question of power. Shall the Congress of the United States appropriate the money to permit the President of the United States to work his will on the Congress of the United States by the employment of lobbyists to work his will, or shall the Congress maintain its own authority to hear the President's publicly expressed convictions, consider in committee the administration's position in full detail, and then employ its own constitutional power and authority to determine our laws?

Mr. President, of course this whole problem of the separation of powers has never been easy. It has always been perplexing. The Founding Fathers wisely permitted a significant degree of Presidential influence over Congress—in the veto—and the right to recommend such measures as he shall judge necessary. But they were careful to be exact in limiting Presidential legislative influence to language which cannot be stretched to include this staff of lobbyists.

I want to be reasonable about this. And I think my amendment is reasonable. It would permit the President to employ two men to work largely or almost exclusively with the Congress. And this is as many as any previous President has had in all of American history. It recognizes that, of course, the President should have his full constitutional right, liberally interpreted, to urge his will upon Congress, but it would limit such influence to, first, responding to congressional inquiries for information and, second, formal messages by the President publicly pronounced.

Of course, in addition the President is free to use the great prestige of his office to urge his program any time, any place, anywhere. But it is vitally important that it be the President, himself, who does the aggressive urging, not intermediaries paid by public funds, from appropriations by the Congress itself.

The Criminal Code is very wise in proscribing such action.

Mr. President, I want to be as fair as I can with this administration. It may well be that a main purpose of the Eisenhower legislative effort is to persuade the Congress to economize. The record on appropriations may dispute this. But let us assume it is true. The fact is well known that the army of legislative liaison men that has sprung up, taking

its cue from the White House staff, is not—in this administration any more than in any other—interested in talking Congress into cutting the appropriations of the agency they represent. No matter how economy-minded the President may be, departmental ambassadors to Congress are going to be asking more—never do they urge less—and as the record shows only too well, getting more.

If this is true in an economy-minded administration I ask my good Republican friends what would happen in an administration that talked less and perhaps even acted less for economy.

This administrative lobbying is setting a dangerous precedent, Mr. President. The time to stop it is now. The way to stop it is just where it will do the most good, symbolically and by precept, right in the office of the President.

Mr. President, I ask unanimous consent that an article written in 1950, and published in the Wisconsin State Journal, a stanch Republican newspaper in my hometown of Madison, a newspaper which has always vehemently and vigorously opposed me, be printed in the RECORD at this point as a part of my remarks. This editorial is especially appropriate, because it denounced lobbying by the Federal bureaucracy nearly 10 years ago, before the army of lobbyists had reached the enormous size that it has now attained.

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

THOSE WHO WILL NOT BE TOUCHED

There is one area of lobbying that really would bear some investigation, and subsequent regulation.

But there will be little investigation in this direction, and no strict regulation.

We refer here to the pressure tactics and propagandizing by Government agencies in behalf of their own programs.

According to Congressman John Vorys, of Ohio, our Federal publicity and public relations activities now cost taxpayers more than $100 million a year.

This tax-supported lobby works unceasingly for Federal housing, Federal power, socialized medicine, more valley authorities, and more Federal control of everything.

There are more than 3,500 Federal employees—who cost taxpayers more than a million dollars a month—engaged in selling and lobbying for and stirring up support for the programs wanted—not by the people—but by department heads and Mr. Truman. The Department of Agriculture now has 525 information specialists boosting the Brannan plan, Congressman Vorys points out. Five different agencies are lobbying and publicizing Federal housing, while over the past 10 years the Federal security agencies' bureaus have spent more than $20 million in a campaign for socialized medicine.

Congressman Vorys points out one great danger in this tax-supported Federal lobby:

"Whether the immediate purpose of Government propaganda is good or bad, the fact remains that individual liberty and free institutions cannot long survive when the vast power of Government may be marshaled against the people to perpetuate a given policy or a particular group of officeholders."

Some of these tax-paid lobbyists work directly—even arrogantly—upon our Congressmen and Senators. Others work indirectly, stirring up the demand for more and more Government services out in the provinces.

Now here, in our opinion, is a lobby that should be investigated, thoroughly and completely.

Here are lobbyists who constitute an immediate threat to the taxpayer—to his freedom, his way of life, and his pocketbook.

And the not-so-funny part of it is that the taxpayer, unwillingly and unknowingly, is financing the very menace from which he now has no protection.

Will Congress do anything about this tax-supported Federal lobby?

We'll bet against it, for a very good reason: The tax-supported lobbyists now are beating their brains out, working in behalf of and stirring up a demand for Dr. Truman's political patent medicines.

Mr. PROXMIRE. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an editorial published in the Philadelphia Record in 1947, which was also aimed at reducing lobbying by the Federal bureaucracy.

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

[From the Philadelphia (Pa.) Record]

TODAY FEDERAL LOBBY BUSY—CONGRESS ON RUN—SOME TACTICS RAW—SIGNATURES FORGED—HOUSE CUTS RESTORED

(By Herman A. Lowe)

WASHINGTON, May 28.—Congress, which thought it had belled the cat last year when it decreed registration of lobbyists, is now jumping timidly through a hoop in the hands of a great unregistered lobby—the Federal Government.

This Congress started out to create a brave, new world in Washington, to whittle the President's whopping $37,500 million budget down to size. It is now on the run before hundreds of pesky little pressures set up by the slick operators in Government departments.

The legislators are befuddled. The people turned last November's election into a Republican landslide largely on the issue of excessive Federal spending. Today, the same people have succumbed to the octopus lobby of the Federal agencies and are angrily shouting to their elected Representatives: "Woodman, spare that tree."

Yet it is as certain today as it was on election day that Government expenses are wickedly extravagant. It is just as certain that billions in wasteful expenditures can be carved away without hurting any genuine function of Government.

It also is true, although the folks back home do not realize it, that so long as tremendous chunks of Federal coin are poured into padded payrolls, really deserving projects will never get Government help.

The Government lobby is a "honey." Nothing that the NAM, the real-estate boards, the farm bloc, or the labor organizations ever dreamed up compares with it.

There is nothing new about Federal departments and agencies lobbying for funds. Despite statutes outlawing the practice, it has been done for years with every trick in the book. But never before in history have so many worked so hard to prevent so many from being booted from the public payrolls.

They are pulling strings to have State and local governments protest on behalf of their projects. They are having the folks back home flood the legislators with letters and telegrams—just the way the utility holding companies used to do.

They furnish the ammunition, the facts, to every supporter of their cause. The skilled propagandists among them—and the Federal Government's press agents run into a couple of thousand—prepare propaganda material proving that the Government is actually undermanned. In case you have any doubt about the size of the propaganda machine which has turned on the heat, a congressional committee has figures showing that Uncle Sam spends $75 million a year to supply information.

Some of the machine's tactics have been raw. For instance, the customs service lobby prepared mimeographed letters to Congressmen urging that its funds be not reduced. These letters were carried to prominent citizens who were asked to sign and mail them.

In some instances, where enough signatures could not be obtained, the lobby forged them and mailed out the petitions itself. This has outraged many Congressmen—although it got results in the Senate, which has largely restored House cuts.

The service also discharged about 1,000 employees, with all the flourish of a circus parade, in several key port cities such as New York and Philadelphia. The idea was to convince the American public that it was having its throat cut and that smugglers were about to ruin the country.

If the full budget cuts had gone into effect immediately it would not have been necessary to fire nearly so many, the service now admits. But in any event the House-approved cuts would not have taken effect until July 1.

In small towns post offices shut down 1 or 2 days a week. It was explained that this was due to the economy drive and the folks were urged to write to their Congressman. Again it can be pointed out that the cuts do not go into effect until after July 1 and that no reduction in post office hours is to result. Could it be a coincidence that the Postmaster General is chairman of the Democratic National Committee?

There have been numerous shrewd examples of such tactics. People who should know better are being convinced that Congress—whose aim is to reduce the national debt and the high wartime tax rates—is out to wreck all the Government services.

Much of the pressure comes from new wartime functions which have an ingrained opposition to giving up the ghost, and whose personnel like it where they are now and want to stay there.

Actually, Congress is only trying to reduce a $37,500 million budget to about $32 billion or $33 billion. Anyone who thinks that will cut the heart out of Government should remember that the highest prewar budget was about $9 billion.

But with the heavy lobbyist squeeze on now, the economy bloc in the House has begun to crumble around the edges; and in the Senate many House-approved reductions are being restored.

The result is going to be that instead of saving of $4,500 million or more the public will awaken one day to the fact that the reductions have been only half that, and that they have been played for suckers by the Federal lobby.

It is still not too late to do something about it, if the awakening comes soon.

Mr. PROXMIRE. Mr. President, I earnestly hope that this amendment will be agreed to.

EXHIBIT 1

[From the Wall Street Journal, June 16, 1959]

ADMINISTRATION ENLARGES STAFF ASSIGNED TO SELL PROGRAMS TO CONGRESS—LIAISON MEN WRITE SPEECHES, ANSWER QUESTIONS, SET UP TRIPS, PUSH PARTY LOYALTY—ANNUAL COSTS: $3.5 MILLION

(By Lester Tanzer)

WASHINGTON.—The White House official leaned over the desk of the Midwestern Republican Congressman who had voted for an administration-opposed rural electrification bill. "We need your vote to sustain the President's veto," the Eisenhower aide argued. "This bill in itself isn't important,

but the Democrats have chosen it to see if they can establish a pattern of overriding the President's vetoes. If they can win, they'll be in a better position to override the vetoes of the big spending bills later on."

At the Old House Office Building, in a tiny third-floor room that once was a ladies' powder room, sit Navy Capt. G. S. Bullen and Marine Lt. Col. William Oliver, answering phone calls or dictating letters. The two affable officers get a steady stream of requests from lawmakers on how to handle mail from their constituents—dealing with such touchy topics as a Marine sergeant who treats junior too harshly; the failure of the Navy to serve milk to an offspring four times a day; or a sailor who wants to come home to support his financially hard-pressed family.

Twenty-four hours before one of the Federal housing agencies publicly announces a grant or loan for "urban renewal," college housing, or some other Government-aided housing program, William Henry Harrison, a former Wyoming Congressman and grandson of the 23d President, may pass the word along to interested legislators. That way, the lawmakers can tip off recipients and gain some goodwill back home.

A GROWING CORPS

The White House aid, the Naval officers, and Mr. Harrison all have something in common. They're part of a sizable though little-publicized corps of officials, spread through almost every Federal agency, whose full-time job it is to make congressional friends and influence legislation. Already some 500 people, many with Capitol Hill experience of their own, are engaged, at an annual cost of $3.5 million, in the Federal endeavor known as "congressional liaison"—and their numbers are growing steadily.

Behind the rise of this breed of Federal employee, largely a post-World War II phenomenon, lies the growth and complexity of modern Federal Government. As just one sign of that underlying fact, Congress last year enacted 1,063 new laws, compared with 940 in 1940 and less than 500 in the 66th Congress of 1919–20. "Every time Congress adds a facet to our operation," says Robert Forsythe, chief liaison officer for the Department of Health, Education, and Welfare, "the volume of our business increases."

Though it can't be measured precisely, the work of the administration's "lobbyists" plainly has an impact on the current struggle between President Eisenhower and the Democratic Congress. The envoys to Capitol Hill help shape their agencies' programs at the start of each session. They aid in preparing testimony for administration witnesses at congressional hearings. They sound out lawmakers' reactions to specific proposals and try to sell their views to fence-sitters, usually employing facts and reason or, if the target is a Republican, an appeal to party loyalty.

SOME HELP MAP STRATEGY

The congressional ambassadors also help write speeches or furnish information for sympathetic lawmakers who want to speak out for an administration measure. They may help map administration strategy once a bill nears floor action, perhaps working out compromises with key legislators when a measure is in trouble. Not long ago, one executive agency's top liaison official saw to it that enough Republican members stayed away from a Senate committee's meeting to prevent a quorum—thus delaying a vote on a particular measure until the administration could swing more support for the bill.

Not all the liaison forces' efforts are focused so directly on specific legislation. Often, these influence men drum up support for their department's policies, rather than for a particular bill. The Pentagon's congressional envoys, for example, arranged 221 air trips for one or more lawmakers in 1958 to Cape Canaveral, to the Strategic Air Command's Omaha headquarters and to other U.S. military installations around the world.

"The more we get them out," reasons Brig. Gen. William Fisher, head of the Air Force's legislative liaison division, "the better-educated decisions Congress will make."

Much of the liaison workers' time is taken up with tasks less directly linked to legislation: Answering legislators' complaints and queries, usually spurred by mail from constituents, and otherwise building goodwill among lawmakers. The lobbyists dig up answers for hundreds of thousands of letters that legislators pass on to the executive agencies each year, perhaps asking for advice on how to take advantage of a Federal program or griping about some Government activity.

ITINERARIES ARRANGED FOR LAWMAKERS

To keep lawmakers happy, the State Department's liaison staff works out complete itineraries, handling all necessary reservations, for legislators who want to travel abroad, for pleasure or business. General Services Administration officials recently came up with a two-decade-old Federal Government license plate to fill a hole in a Congressman's collection. One young lady at GSA spends most of her time calling up lawmakers to give them progress reports on Government buildings under construction in their districts. The Post Office Department's congressional envoys ask legislators for their personal views on the three top prospects, as determined by civil-service exams, for postmaster jobs in their districts.

Such little aids for Congress, to be sure, would be furnished even if Federal lobbyists never lifted a finger for an administration bill. Nevertheless, there's a distinct connection between providing these services and influencing legislation. "You do a good job handling the personal problems and requests of a Congressman," a White House official figures, "and you have an easier time convincing him to back your program."

Actually, the heaviest wooing of lawmakers on behalf of administration programs is probably done by Cabinet members and other high officials, rather than the full-time lobbyists. Liaison men often call in their superiors when an especially influential legislator complains about something or a rank-and-file lawmaker raises a major policy question. Comments an Interior Department liaison official, "It's more discreet to send somebody on the policy level than one of us from the working gang."

Besides his weekly metings with GOP leaders, the President meets privately on occasion with key lawmakers of both parties to make a more personal appeal for a particular program. On the eve of a big vote, he'll place a number of private phone calls to try to sway undecided legislators. Cabinet members, too, phone fence-sitters before a bill comes to a vote, even if the issue doesn't involve their own field; usually, the Cabinet officials concentrate on legislators from their home States or those they know well.

ANDERSON'S LUNCHEONS

Just about every Cabinet member makes a practice of meeting informally from time to time with lawmakers who deal in legislation they're concerned with. Treasury Secretary Anderson held a series of four buffet luncheons in his private dining room earlier this year—at his own expense—to explain the Treasury's debt management problems to freshman legislators and members of the House Ways and Means and Senate Finance Committees. Mr. Eisenhower recently invited Republican members of the House Commerce Committee for late-afternoon drinks at the White House to express his personal appreciation for trimming a Democratic-sponsored airport construction measure.

For all this high-level lobbying, it's the regular congressional liaison officials who cement the administration's day-to-day relations with Capitol Hill. In many cases, it's the liaison workers who spot the targets for their superiors and advise them how to handle lawmakers. William Macomber, Assistant Secretary of State for Congressional Relations, for instance, may remind Secretary of State Herter he'll be seeing a key lawmaker at an evening social affair and suggest something to tell him. Mr. Macomber is sure to set up private briefings by Mr. Herter for members of the House and Senate Foreign Affairs Committees when the Secretary of State returns from the Foreign Ministers' Conference in Geneva.

Attempts by the executive branch of Government to influence Congress, of course, are as old as the country itself; back in 1781, Gen. "Mad Anthony" Wayne's Pennsylvania regiments started marching on Congress in Philadelphia until the lawmakers agreed to make up the soldiers' back pay and discharge troops who had served their full 3-year enlistment terms. But until rather recently, "congressional liaison" was just another job of administration officials—often the general counsel of a department—who had many other duties as well. This meant the wooing of Congress usually was handled haphazardly or in routine fashion.

But in recent years, congressional liaison has become more and more formal. In 1949, for example, Congress officially created the post of Assistant Secretary of State for Congressional Relations. Mr. Macomber, who now occupies that spot, has a 22-man staff that does nothing but deal with Congress. Before 1949, the Department's top officers had personal aides who handled their bosses' relations with Congress as well as other chores, without necessarily coordinating their efforts; "homeless wanderers," one official calls them.

LARGER LIAISON STAFFS

As the Federal Government has grown, the size of liaison staffs has increased. At the outset of World War II, the Army, which then included the Air Force, employed only five full-time lobbyists. By the end of the war, the number had soared to 65. At last count, the Army and Air Force together employed 238 legislative liaison workers. Franklin D. Roosevelt and Harry Truman, who were their own chief lobbyists, had only one or two White House aids whose sole job it was to sway Congress. Mr. Eisenhower now has six full-time envoys to Capitol Hill plus Gen. Wilton (Jerry) Persons, his Chief of Staff, who spends much of his time dealing with lawmakers.

The total number of people trying to improve the administration's relations with Congress is still going up. The Pentagon's legislative liaison force, the biggest in Government at 330, is scheduled to expand by a dozen or more in the next year; spending will increase from $2.6 million in the fiscal year coming to an end June 30 to $2.9 million in fiscal 1960. The three-member staff at the recently created National Aeronautics and Space Administration will shortly go up to six. Just the other day, the staid old Interstate Commerce Commission set up the first congressional liaison office in its 72-year history.

The apparently irresitible impulse to expand doesn't stem just from the administration's desire to sway Congress. The lawmakers themselves have had a considerable hand in the steady growth of legislative liaison, with their persistent demands for information or help in handling their mail. "When Congress becomes aware of the existence of a legislative liaison office," notes an administration lobbyist, "it's amazing the way your workload increases."

Congress played a major role in the recent creation of the ICC's three-member

liaison staff. After the recent House investigation of pressures on regulatory agencies, according to one high official, many lawmakers became leery of direct contact with ICC commissioners, even on routine questions from constituents on matters pending before the Commission. So the legislators prodded the Commission into creating a sort of "middleman" to handle such matters, and thus forestall possible complaints that they were trying to influence the ICC improperly.

Congress' own urge to have executive-branch liaison workers handy probably accounts in large measure for the lawmakers' generous interpretation of laws designed to prevent use of appropriations "directly or indirectly" for administration lobbying.

But the lawmakers do occasionally snap back at the executive branch. Last year Congress forced a cutback to 330 from 360 in the number of Pentagon liaison staffers, out of resentment against the services' intensive lobbying reorganization bill. But the size of the Pentagon staff is creeping back up again. And the lawmakers show little disposition to question the liaison activities of other Federal agencies.

No two administration agencies handle their congressional liaison exactly alike. In size, the executive departments' lobbying forces range from the Treasury's lone liaison hand—former Columbia College football all-American, Gene Rossides—to the Pentagon's seven platoons of manpower. Some agencies with large staffs, including the Army, Navy, and Air Force, the Veterans' Administration, and the Civil Service Commission, have offices right on Capitol Hill—paid for by Congress—to provide quick access to lawmakers.

For all the diversity, a pattern of operation is clearly discernible throughout the administration * * * old congressional committee hands, including George Moore, once chief counsel of the House Post Office panel, and a large number of people who used to work for one lawmaker or another. Lawyers without such political background are numerous, too. Less typically, there's even a car dealer among the administration's legislative contact men—George Vaughan, who ran a Buick agency in Los Angeles before taking over the Defense Department's legislative affairs office earlier this year.

Personality, as well as experience, is a major factor in selecting a man for liaison work. "We run a low-key operation with no high-pressure types or brash personalities," claims a White House lobbyist. The Air Force's Brigadier General Fisher describes a typical liaison aide this way: "He has a combat record, which inspires confidence among Congressmen. He needs good judgment in dealing with people and a friendly personality, so he can handle difficult situations. He's got to be able to say 'no' pleasantly."

OBJECT: A FRIENDLY ATMOSPHERE

The idea, of course, is to create a friendly atmosphere between the administration and Congress; at the least, that can make the basic tools of the liaison staffers work more effectively. The lobbyists' chief tools: Facts "presented in the right manner and at the right time," according to one administration student of the art, and party loyalty. When it comes to efforts to influence legislation, liaison workers deal mostly, though not exclusively, with Republicans, leaving largely to higher officials the job of selling administration programs to Democratic leaders.

"You tell the Congressman, 'Look, here's a good bill,' and you make your detailed case for the bill," explains one administration lobbyist. "You tell him the President is quite anxious to get his vote. Unless he's under strong local pressures in his district, he'll go along with you. If he sits on the fence, well, you find people who know him best or you get the Republican Party leadership to work him over."

There are, of course, various ways of getting facts across to a legislator. "Your approach varies with the individual," notes a liaison official now trying to get the House to toughen the Senate-passed labor reform measure. Listen to his distinctions: "If you're talking to an old Eisenhower Republican, who may be somewhat liberal, you ask for support of the President rather than your legislation. If it's a real conservative, who wants an even stronger bill, you point out what your bill has that he wants and play down Eisenhower. If you find a guy 100 percent for you, then you use him to keep open your lines of communication with both extremes in case you have to work out a compromise."

The State Department, for one, likes to be sure it knows how various lawmakers feel about issues it's involved in. So a lady on the agency's 22-member liaison staff spends almost all her time keeping an up-to-date file on legislators, clipping newspaper reports of their votes on diplomatic issues and all their speeches, in Congress and out, on foreign matters.

LOCALIZING ARGUMENTS

Whenever they can, administration influence men like to bring their facts home to their targets. A case that is regarded as a classic among administration lobbyists was the Commerce Department's breakdown of what last year's reciprocal trade extension bill meant to individual States and districts. Such reports were furnished to 170 lawmakers who requested them; they showed among other things, the firms in a given area and the number of their employees making goods sold abroad—all of whom would supposedly benefit from extension of the trade act.

From all the outward signs, there's little evidence that any high-pressure tactics are employed—at least by the liaison men. "You occasionally hear rumors of deals to get a keyman on your side," admits one congressional contact man, "but if that happens, it's handled at a higher level than mine."

Nevertheless, a lawmaker's desire to get a friend a Federal job or get a military base built in his district is often a help to the liaison man. "I never went up to a guy and said, 'Vote this way and get a job for your constituent,'" says an administration lobbyist, adding, "but you've got the basic laws of human nature on your side. If the fellow wants a favor, he's likely to vote your way just in case he thinks it might do him good."

The mere presence of a White House lobbyist on behalf of a bill stamps it as a major issue; Mr. Eisenhower's own ambassadors to Congress step in on only the most vital measures—including almost all the major spending bills this year.

Mr. DOUGLAS. Mr. President, I wonder if the Senator from Washington [Mr. MAGNUSON] intends to make a preliminary statement on the bill; and, if not, if he will permit me to ask some questions.

Mr. MAGNUSON. Mr. President, the debate on the bill started when I was on my way over from the office. I think there should be a preliminary statement. I have a brief statement to present.

Mr. President, the general Government matters appropriation bill for 1960—H.R. 7176—contains funds for the Executive Office of the President, including the Bureau of the Budget, the Council of Economic Advisers, the National Security Council, and the President's Advisory Committee on Government Organization, as well as funds appropriated to the President for the emergency fund and for expenses of management improvement, and for expenses of the American Battle Monuments Commission, the Foreign Claims Settlement Commission, and the Subversive Activities Control Board.

As reported to the Senate, the bill totals $13,568,500, which is $230,000 over the House bill and $40,000 under the budget estimates.

Two amendments are recommended. One amendment inserts $250,000 for expenses of management improvement in the Executive Office, to bring that fund up to about $500,000. The fund is used to study and bring about solutions to management problems or in making needed administrative improvements in the executive branch. For example, the committee has suggested a study to correct the practice of using first-class or deluxe air transportation almost exclusively for Federal employees and military personnel traveling by air, when travel by air coach represents more than 50 percent of commercial air travel.

The other amendment recommended is an additional reduction of $20,000 from funds for the Subversive Activities Control Board, due to a decrease in their workload.

I ask that the bill be read for amendments.

I now yield to my friend from Illinois.

Mr. DOUGLAS. Mr. President, I wonder if the very able senior Senator from Washington would be willing to answer some questions which have arisen in my mind about the budget of the President.

Mr. MAGNUSON. Certainly. First, I should like to say that the House held lengthy hearings on this subject.

Mr. DOUGLAS. I have the printed hearings of the House and I have studied them.

Mr. MAGNUSON. I should like to state the action of the Senate committee. Inasmuch as there was no appeal from the House allowance, the Senate committee did not hear any testimony on this subject, because no one asked to appear, and we accepted the House figure.

Mr. DOUGLAS. I understand.

Does not the President receive a salary of $100,000 a year?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. Plus an expense allowance of $50,000?

Mr. MAGNUSON. That is correct. I might add that he is not accountable to anyone for the $50,000. No itemization is required.

Mr. DOUGLAS. In addition, does not the President live in an executive mansion, the White House, for which an appropriation of $475,000 for maintenance and operation is requested by the administration?

Mr. MAGNUSON. That is correct; and that is a part of the bill.

Mr. DOUGLAS. Does not this appropriation for the Executive Mansion include an allowance for travel expenses, as well as certain entertainment expenses?

Mr. MAGNUSON. Yes. It does not include an allowance for travel expenses

as such. It includes an allowance for transportation of things, rather than of persons.

Mr. DOUGLAS. Is not the amount for travel expenses of the President $40,000?

Mr. MAGNUSON. Yes; $40,000 is in the White House Office.

Mr. DOUGLAS. In addition to the $150,000 allowance for salary and expenses, and $475,000 for the mansion, does not the President request, in this appropriation bill, $2,221,000 for salaries and expenses for his White House offices?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. In addition to the $150,000 for salary and expenses, $475,000 for the mansion, and $2,221,000 for his office, does not the President request $1,500,000 for the rather ephemeral category initiated in the fiscal year 1956, known as special projects?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. I have gone over the House hearings very thoroughly. I have also read articles by a number of very able reporters. In an article in the Washington Daily News by Mr. Ed Koterba, there appears the statement that in 1938, the First Lady had five maids, and that today there are eight maids. Does the Senator know whether that is correct?

Mr. MAGNUSON. I could not answer as to the number of persons involved. I have only the amount of money spent. Whether that would cover eight maids or five maids, I do not know. I can say to the Senator from Illinois that there has been an increase.

Mr. DOUGLAS. Those are the facts, as shown on page 132 of the House hearings. There were five maids in 1938, and eight maids are requested for 1960.

So far as the gardeners are concerned the record shows that there were five gardeners in 1938, while 12 gardeners are requested for 1960.

Mr. MAGNUSON. That is true.

Mr. DOUGLAS. Is the Senator aware of any increase in the extent of the White House lawn and gardens during these last 22 years which would require the services of additional gardeners?

Mr. MAGNUSON. I am not aware of any increase in the acreage. The fence has not been moved.

Mr. DOUGLAS. Would the installation of the putting green require additional gardeners service?

Mr. MAGNUSON. A putting green lawn must be well kept.

Mr. DOUGLAS. Does the Senator think this might account for a portion of the increase from 5 to 12 gardeners?

Mr. MAGNUSON. That I do not know. I believe the House hearings contain something on that subject. I shall furnish the page reference for the RECORD. There was some extra work because of certain changes in the lawn. It is page 132.

Mr. DOUGLAS. Is the Senator from Washington aware of the fact that on page 128 of the House hearings it is shown that in 1952 the White House staff was given as 261, and that 373 are requested for 1960?

Mr. MAGNUSON. That is correct.

Beginning on page 127 of the House hearings, there are comparative cost data on the Presidency and functions relating thereto, for the fiscal years 1938 to 1960, the figures for which have been collected by the Legislative Reference Service of the Library of Congress.

Mr. DOUGLAS. There has been an increase of 112 from 1952 to the requested number for 1960. Is that correct?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. That is an increase of more than 40 percent.

Mr. MAGNUSON. That is correct. As shown on page 133 of the House hearings, 45 persons were employed in 1938. Then the number went up and up. In 1942, there were 63. In 1960 there will be 272, in the White House office proper.

Mr. DOUGLAS. In other words, there are many times the number of persons employed in the White House than there were during the days preceding and during the great World War, when the responsibilities upon the Chief Executive were very heavy indeed. Is that correct?

Mr. MAGNUSON. Except that during the war period, I believe the record ought to show that employees could be detailed to the White House. The agencies from which they were detailed would pay those employees. That was only during the war.

Mr. DOUGLAS. Yes. In 1938 there were 45.

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. In 1940 there were 63.

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. So that there are now more than four times as many as in 1940, under President Franklin D. Roosevelt.

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. Did the Senator from Washington respond to my question that, in addition to the $150,000 for salary and expenses, and $475,000 for the mansion, and $2,221,000 for Office of the President, the President has requested $1,500,000 for the rather ephemeral category first initiated in 1956 and known as special projects?

Mr. MAGNUSON. Yes. In 1956 that appropriation began at $1,250,000. For various years since then it has gone up, until this year the figure is $1,500,000.

Mr. DOUGLAS. This was first asked for in 1956.

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. Not in 1952?

Mr. MAGNUSON. No; in 1956.

Mr. DOUGLAS. The supporting figures for this item are found on page 126 of House hearings. Is that correct?

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. In other words, the White House office includes a cost of $1,500,000 for special projects or a total of $3,721,000 for the White House office, exclusive of the President's $150,000 for salary and expenses, and not counting the $475,000 for maintaining the mansion. When these items are added the total is $4,346,000. Is that correct?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. Am I not correct in assuming that the $4,346,000 is only for the President's mansion and office, and does not include another $1,055,000 for the White House Police?

Mr. MAGNUSON. The White House Police are under the Treasury Department.

Mr. DOUGLAS. The Secret Service?

Mr. MAGNUSON. Of course the amount stated does not include a great many other expenses.

Mr. DOUGLAS. These are the police at the grounds?

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. Not the Secret Service?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. But charged to the Treasury, is that correct?

Mr. MAGNUSON. Charged to the Treasury; yes.

Mr. DOUGLAS. It comes to a total of $1,055,000.

Mr. MAGNUSON. These are not the ones who go out into the country. They stay right there on the grounds.

Mr. DOUGLAS. On page 128 of the House hearings the statement is made that the cost of the White House Police is $1,055,000.

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. Mr. President, do I understand correctly that in 1938 the then President had 60 police and secret service agents to guard him, and that now the President has 160 agents and police and is asking for 170 for the 1960 budget?

Mr. MAGNUSON. That figure, I believe, is correct. The Legislative Reference Service pointed that out.

Mr. DOUGLAS. That is shown at page 135 of the House hearings.

Mr. MAGNUSON. They say the amount is seven times the $150,650 provided in 1938, and nearly twice the $652,000 voted in 1952.

Mr. DOUGLAS. And the personnel is almost three times the number of 1938. It is shown that even during the war years, when the President was probably exposed to more danger than now, the numbers were respectively 100, 94, 92, and 98.

Mr. MAGNUSON. Of course there may have been some other people assigned to such work during the war. That I do not know. I do not have those figures.

Mr. DOUGLAS. Am I correct in the observation that even the total just given does not include the $395,000 for the Council of Economic Advisers?

Mr. MAGNUSON. That is a separate item.

Mr. DOUGLAS. It does not include the $792,000 for the National Security Council and other sundry items of expense.

Mr. MAGNUSON. That is a separate item.

Mr. DOUGLAS. Is it correct to say that both the Senate and House Appropriations Committees granted these amounts at the President's request?

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. Is it true that the $3,721,000 requested for the White House itself represents an increase of $169,230 over last year's appropriation?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. Is it true that the increase from last year for the Mansion itself is $25,600?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. For the Bureau of the Budget, $114,000 over last year?

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. For the Council of Economic Advisers, $7,000 over last year?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. For the National Security Council, $32,600 over last year.

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. Now, I should like to invite special attention to the next question which I shall ask the distinguished chairman of the subcommittee, so that I may be meticulously accurate. For example, does the appropriation bill include the cost of purchasing and maintaining and operating the superconstellation airplane used by the President?

Mr. MAGNUSON. The information which has been obtained from the Bureau of the Budget, which has been put into the RECORD, and which we discussed somewhat in marking up the bill, is as follows: Mr. Stans, the Director of the Bureau of the Budget stated:

The only aircraft assigned for White House usage is one USAF C–121–E Super-Constellation (*The Columbine*). However, it is not used exclusively by the President but has been used on occasion for the travel of the Secretary of State and high foreign dignitaries during official visits to the United States.

The flight crew of the C–121–E assigned to the White House consists of three officers, two warrant officers, four airmen. There are 8 airmen assigned as security guards and 11 airmen assigned as maintenance crew.

That amounts to 28 persons.

Mr. DOUGLAS. Those expenses are charged to what agency?

Mr. MAGNUSON. I will come to that.

Mr. Stans continues:

Total operating cost for the *Columbine* is $198 per flying hour. This is a direct operating cost and includes petroleum and its products, $88.67; crew, temporary duty, $4.50; and base pay for flight crew, $104.83.

The total flying hours logged for C–121–E (*Columbine*) for fiscal year 1958 was 412 hours. The total direct operating cost is therefore $81,576. This does not include the pay of the 8 guards or 11 maintenance men.

Mr. DOUGLAS. In the material prepared by the Library of Congress, appearing at page 128 of the House hearings, it is stated that the Air Force reports that the cost-per-hour of running this Super-Constellation is approximately $711.

Mr. MAGNUSON. An hour?

Mr. DOUGLAS. Yes.

Mr. MAGNUSON. That would be arrived at if we add the cost of the pay of those assigned to it. This is the testimony given by Director Stans, of the Bureau of the Budget.

Mr. DOUGLAS. Yes. In addition to the *Columbine* the President has the use of two six passenger Aero-Commanders, costing $75,000 each. They are available for shorter trips, and they are furnished by the Air Force on short notice.

Mr. MAGNUSON. In addition, the Bureau of the Budget has informed me that the President, over a brief period, used a two-engine Aero-Commander plane for short-range, limited facility use. This plane was supplied from the special air missions group of the Air Force.

The President has, for the past 6 years, had access to smaller planes as needed.

Mr. DOUGLAS. We have heard much about helicopters. Is it correct that the President has available for his use two helicopters?

Mr. MAGNUSON. Yes. I have that figure here. I read from page 143 of the House hearings:

There are three jet transports now on order.

Mr. DOUGLAS. I will come to that in a minute.

Mr. MAGNUSON. Yes.

There are no helicopters specifically assigned to the President. When he requires helicopter transportation, it is requested from Army and Marine units in the local area. The Marine Helicopter Squadron is at the Marine Corps Air Station, Quantico; the Army unit is at Davison Army Air Field at Fort Belvoir. These units are stationed in the area for other missions and perform the small additional task of making occasional flights for the President. The type of helicopter which the President uses is the Sikorsky S–58 which is known as the HUS–1 by the Marines, and the H–34 by the Army. Operating costs for these helicopters, including fuel, crewing, maintenance, and depreciation, are $350 per hour.

Mr. DOUGLAS. Also, the President has a Super-Constellation.

Mr. MAGNUSON. I continue to read:

Since the President's first flight in these helicopters (Sept. 7, 1957), he has accumulated 21 hours, which would be a total cost of $7,350. (This is exclusive of the cost of operating the helicopters, which the President used during his campaign trip in October 1958, which were paid for by the Republican National Committee.)

Mr. DOUGLAS. I read in the press from time to time that the helicopters are used on Friday afternoons, frequently, for trips to Gettysburg.

Mr. MAGNUSON. The committee will inquire about that. I do not think the statement I have just quoted is correct, namely:

These units are stationed in the area for other missions.

The Senator from Illinois knows that when the White House suggests that the President might wish to use a helicopter, the Marine Corps will keep it handy for use at any time the President wants it.

Mr. DOUGLAS. If he wants it, it will be there.

Mr. MAGNUSON. Yes; it will be there. That is true.

Mr. DOUGLAS. The Senator has spoken of three Boeing 707 jet airliners made in the city from which the distinguished Senator from Washington comes, the city of Seattle. This has interested all of us. May I ask to what agency are these jet airliners charged? I do not see any provision for them in the White House budget.

Mr. MAGNUSON. They are charged to the Air Force, and they are assigned to a special air mission group. These airplanes are military versions or transport versions of the Boeing 707. The aircraft were not ordered for any one individual or special group. But the Senator from Illinois and I know that they were designed for a special purpose.

According to the information supplied by the Bureau of the Budget:

They will take their place in the SAM fleet as replacements for Lockheed Constellation-type aircraft.

The Air Force provided in the fiscal year 1958 program for three VC–137 jet transports at $4.7 million flyaway cost each for a total flyaway cost of $14.1 million. Direct operating cost is estimated at $270.86 per flying hour. This figure includes POL $223.06, crew TDY $4, base pay of flight crew, $43.80.

The SAM mission is to provide expeditious air transportation for high-ranking U.S. Government officials conducting official business throughout the world. Invited foreign dignitaries and heads of state are also provided SAM service while in guest status. In the past, SAM planes have carried the President, Vice President, visiting dignitaries, the Secretary of State, Cabinet officers and their deputies, Members of Congress, and officials of the Department of Defense.

I do not know of any Senators who have had a ride in them; but this is the general purpose of the planes.

Mr. DOUGLAS. Do these planes cost approximately $4,700,000 apiece?

Mr. MAGNUSON. That is the flyaway cost. Probably they cost well over $5,500,000 before everything is finished.

Mr. DOUGLAS. I have talked with service personnel who are stationed where these planes are located. They have looked into the planes, but they have not been permitted to photograph them. However, their description of them is that they are extremely plush.

On Monday, April 27, 1959, the St. Louis Post-Dispatch published an article describing the new jet planes. The article describes some of the features. I read from the article:

The ship is 144½ feet long and 130 feet 10 inches from wingtip to wingtip.

Behind the cockpit is a 15-foot section containing a galley, lavatory, coat closet, and communications facilities. Next comes a 10-foot forward seating section with eight seats.

Then the President's section—most luxurious in the plane.

Two felt-covered tables at one end are flanked on each side by big, comfortable chairs. Beside the President's seat are a telephone and buttons which bring in the pilot, attendants, or communications operator on the intercom loudspeaker system.

An AM–FM radio and tape recorder are behind the table opposite the President.

At the other end of the 20-foot section are two lounges which pull out and convert into double beds. There are no berths. Jets travel so fast sleeping accommodations seldom are needed.

Light floods the compartment from a long panel overhead. A golden maize rug covers the floor—

Apparently, rugs are popular both down there and here on the Hill—

Bulkhead panels are of simulated-wood plastic. Upholstery is of rich, nubby fabric in a plain light blue and creamy beige tweed.

To the rear is the largest seating section, 32 feet, with 28 seats in double row. Upholstery here is of slightly plainer metallic tweed with a pattern of brown, aqua, blue, and white thread.

Farthest aft is an 18-foot section holding three stainless steel galleys, more coat closets, two lavatories, and the rear entry door.

I skip a paragraph:

All walls are of cream plastic with a silk screen pattern portraying buildings and landmarks from all parts of the world. Drapes are beige. All materials are fireproof.

Mr. ALLOTT. Mr. President, would the Senator from Illinois mind reading louder, so that we can all hear him?

Mr. DOUGLAS. I repeat:

All walls are of cream plastic with a silk screen pattern portraying buildings and landmarks from all parts of the world. Drapes are beige. All materials are fireproof.

Has the Senator from Washington seen that article?

Mr. MAGNUSON. No; I have not seen the article.

Mr. DOUGLAS. Has he seen the plane?

Mr. MAGNUSON. No; I have not seen the plane. I have seen versions of the Boeing 707, but I have never seen this plane.

Mr. DOUGLAS. The plane was described as I have said in the article published by the St. Louis Post-Dispatch on April 27. On Wednesday, June 3, 1959, the New York Times published a small news item from Washington entitled "Presidential Plane in Capital." The article reads:

The Government has received two of the three Boeing VC–137 jet transports ordered for President Eisenhower and other high officials. The second transport landed at nearby Andrews Air Force Base, Md., late last week after a flight from the Seattle, Wash., plant of the Boeing Airplane Co., the Air Force said Monday.

Do I understand that these expenses are charged to the Air Force?

Mr. MAGNUSON. They are charged to the Air Force.

Mr. DOUGLAS. During the winter, when it was said that this item was to be covered in a special appropriation bill, we all, of course, looked for these items in the current budget. We did not find them. Now we find that, apparently, provision was made for them in items in the budget of last year or previous years, but not specially designated as being for Executive use. Is that true?

Mr. MAGNUSON. So far as I know, that is true. I think they were provided in the general defense budget.

Mr. DOUGLAS. But did the American people know the planes were for executive use?

Mr. MAGNUSON. The senior Senator from Washington has no knowledge of that. I assume the Subcommittee on Defense Appropriations appropriated X dollars for X number of planes, and that the planes were then set aside and fixed up in the manner which has been described.

Mr. DOUGLAS. There is a rumor that in addition to these 3 planes, there are 17 planes, only slightly less luxurious, which are to be used for high-ranking officers in the Department of Defense, at a cost of approximately $3 million for each plane. Has the Senator heard of those 17 planes?

Mr. MAGNUSON. The only planes I know of, which are included in the Department of Defense budget, and which are at all similar to the ones to which the Senator from Illinois has referred, are planes for purely military operations and training. They are small jets, but not for use by any dignitaries. In other words, the group they have set up, which is called the SAM—special air missions—is apparently the group that will provide transportation for the high-ranking Government officials; and that is where these planes were assigned.

But the planes included in the Defense budget proper are only for training. I suppose some generals and high-ranking Defense officials ride in them; but that would be only on a mission or in the field, or something of that kind.

Mr. DOUGLAS. It may be too late to attempt to take steps in regard to the 3 luxurious planes for the White House; but I hope the matter of the alleged 17 planes for high-ranking officers in the Defense Department will be thoroughly examined.

Mr. MAGNUSON. I am sure the Subcommittee on Appropriations for the Department of Defense will do so.

I am generally familiar with some small jet planes which will be used mainly for training. But they could be used for so-called executive use. However, they are mainly for training, since it is cheaper to train in those planes, because of their reduced cost of operation, than to use the 707's or the B–52's.

Mr. CHAVEZ. Mr. President, will the Senator from Washington yield briefly to me?

Mr. MAGNUSON. I yield.

Mr. CHAVEZ. There is a budget figure and a request for planes of the nature the Senator from Washington is discussing—in three categories.

Mr. DOUGLAS. Seventeen of them?

Mr. CHAVEZ. Possibly more than that. But all of them are for training and for use for airlifts.

Of course an officer can ride in a plane that is carrying nothing but equipment.

But the budget includes some planes for the training of navigators—which is just as important in connection with the national defense as it is to train pilots. Others are for the traiing of the pilots themselves. The ordinary pilot who is trained to handle the regular, conventional planes is not likely to be the proper pilot—unless he has further training—for the present-day jets.

Mr. DOUGLAS. Are these planes used primarily for high-ranking officers—those of flag rank?

Mr. CHAVEZ. I would not be at all surprised to find that high-ranking military officers and high-ranking departmental civilian officials use them. But that is not the purpose of them.

Mr. DOUGLAS. Has the Senator ever examined the logs which list the names of those who have used these planes; or have the investigators for the committee ever asked for the logs?

Mr. CHAVEZ. We have investigated a great deal, because I am just as anxious as anyone else is to have these planes used for the purposes for which they were provided. However, there is no doubt in my mind that some military officer of high rank can ride in those planes. I am quite sure that in the past there has been a great deal of abuse in that connection.

Mr. DOUGLAS. Does the Senator from New Mexico say there has been a great deal of abuse?

Mr. CHAVEZ. Yes; there has been. I can say that for several years such planes were used to take trips to shoot pheasants in South Dakota. But that is not being done now. The Congress—both the Armed Services Committees and the Appropriations Committees of both Houses—is insisting that the planes be used for the purposes for which the money was provided.

Mr. MAGNUSON. But they are not covered by this bill.

Mr. LANGER. Mr. President, will the Senator from Washington yield, so that I may ask a question?

Mr. MAGNUSON. I yield.

Mr. LANGER. Can the Senator from Washington tell me how much larger the appropriations for the White House are than the appropriations for the same purpose during the last year when Mr. Truman was President?

Mr. MAGNUSON. The fiscal year 1952 was the last year when Mr. Truman was President. To break down the items by categories: In the fiscal year 1952, the appropriations for personal services were $1,367,000. The estimate for the fiscal year 1960 is $1,947,000—or an increase of approximately $600,000, or approximately 50 percent more, for personal services.

Since approximately 1940, the travel expense appropriation for all the Presidents has been about the same—$38,000 or $40,000.

The appropriation for communications services has increased to an estimated $50,000 for 1960, as compared to $32,000 in 1951.

The appropriation for rent and utilities is about the same.

The appropriation for printing has increased considerably. In 1938, the appropriation for printing was $2,183; and now it is over $30,000.

The appropriation for supplies and materials has increased.

The appropriations for the office of the President in 1951—the last year when Mr. Truman was President—came to a total of $1,495,000; and for the fiscal year 1960 they will be $2,221,000. That total does not include——

Mr. DOUGLAS. It does not include the $1,500,000 for "special projects"; does it?

Mr. MAGNUSON. That is correct; and it does not include some of the other items we have been discussing. But that is an increase of approximately 60 percent, in rough figures.

Mr. DIRKSEN. Why not explain why the increase was needed? In that connection, why not mention the increase in pay?

Mr. MAGNUSON. I have not yet come to that. I have stated only the rough figures.

The appropriation for personal services would be, in part, for some pay increases, but they would not amount to 60 percent, in the case of the normal services around the White House. They would amount to approximately 30 to 40 percent in the case of some of the assistants to the President.

Mr. LANGER. I am interested in the amendment submitted by the Senator from Wisconsin [Mr. PROXMIRE]. If I have a chance to vote for that amendment, I shall do so, for I think what it proposes is long overdue.

Mr. MAGNUSON. The House Appropriations Committee has included in the hearings the figures for pay increases.

Mr. DIRKSEN. But is it not true that since 1952 there has been a decrease in the number of persons employed there? Is it not true that today there are 100 less persons on the executive payroll than the number on the executive payroll on June 30, 1952? There are 100 fewer persons, because in arriving at the figures it is necessary to exclude the employees in the Office of Civil and Defense Mobilization.

Mr. MAGNUSON. I do not know. All our figures——

Mr. DOUGLAS. Mr. President, I have prepared figures on this point.

Mr. ALLOTT. Mr. President, I am prepared to state the correct figures.

Mr. DOUGLAS. I may say——

Mr. ALLOTT. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. Mr. President, who has the floor?

Mr. MAGNUSON. Mr. President, I have the floor; but I shall be glad to yield. All those figures are set forth in the House committee hearings.

Mr. ALLOTT. In 1952, the number was 1,504. The estimated number for the fiscal year 1960 is 1,404.

Mr. MAGNUSON. I do not see how that could be.

Mr. DOUGLAS. Mr. President, on that point, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. DOUGLAS. The material which I have before me in the House hearings beginning on page 138 was actually prepared by the Bureau of the Budget, although it was improperly designated, in printing it, as coming from the Library of Congress. A grave error was made in preparing the figures for 1952—by including those for the National Security Resources Board and those for the Office of Defense Mobilization. But the number of comparable positions was subtracted from the 1960 estimate.

The true figures show there has been an increase of 262, in comparable units, over this period of time.

That error was made by the Bureau of the Budget.

I ask unanimous consent that a correct table be printed in the RECORD at this point.

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

Comparison of personnel in the Executive Office of the President, 1952 and 1960

Item	1952	1960	Increase (+) or decrease (−)
President	1	1	
White House Office	261	272	+11
Executive Mansion and Grounds	71	72	+1
White House Police	170	170	
Bureau of the Budget	515	435	−80
Council of Economic Advisers	47	31	−16
Emergency Fund for the President	82	5	−77
National Security Council	23	77	+54
National Security Resources Board	135		−135
Office of Defense Mobilization	199		−199
Office of Civil and Defense Mobilization	1,175	1,768	+593
Special projects		101	+101
President's Advisory Committee on Government Operations		5	+5
President's Committee on Fund Raising in the Federal Service		4	+4
Total	2,679	2,941	+262

Mr. DOUGLAS. This table is taken from the House hearings on this bill, page 199. However, to make it comparable, I have added to the number of positions under President Truman the figure of 1,175 for the Federal Civil Defense Administration for the year 1952 which, when added to those at the ODM and National Security Resources Board in 1952, is a comparable figure with the 1,768 positions under the new Office of Civil and Defense Mobilization in 1960. Thus, I have bent over backward to make this a fair comparison and one which compares the actual functions in the Executive Office in 1960 with those same functions—in or out of the Executive Office—in 1952. Here, too, then is a place where the President could begin to practice what he preaches.

Mr. MAGNUSON. All the figures we have are from the House committee hearings. They were given to us by the Bureau of the Budget. Those are the figures I am quoting. But I do not think anyone would say that the cost of maintaining the White House has decreased. It has increased. There may be good reasons for it, but it has gone up considerably, and the Legislative Reference Service of the Library of Congress has detailed it.

Mr. DOUGLAS. The question addressed to the Senator from Washington by Members on the other side of the aisle have been directed primarily to the Executive Office of the President, but not the White House Office. The White House Office, as it is very clearly stated on page 128 of the House hearings, has had an increase in personnel of from 261 to 373, or an increase of 112.

Mr. MAGNUSON. Actually, if the Senator will look at page 133, in 1938 the White House Office appropriation was $211,380, and the number of people employed was 45.

For the Executive Mansion and grounds, the appropriation in 1938 was $210,098, and the number of people employed was 57.

The number of White House police employed was 60, at a cost of $150,650.

The White House Office appropriation increased from $211,000 in 1938 to $1,883,615 in 1952, and the number of positions increased from 45 in 1938 to 261 in 1952.

For the Executive Mansion and grounds, the number of positions increased from 57 in 1938 to 71 in 1952.

For 1960 the requested number of positions is 72.

In other words, the totals for the White House in 1938 were 162 persons and an appropriation of $647,128. In 1952 the appropriation was $3,021,215, and 502 persons were employed.

For 1960 the requested appropriation is $5,401,000, with a total number of 615 persons.

Mr. DOUGLAS. That is the increase of 112 to which the Senator from Illinois has been calling attention, and the concentration of 112 is in the White House Office, the increase for the Executive Mansion and grounds being only 1, and the number of White House Police being constant.

Mr. President, will the Senator further yield?

Mr. MAGNUSON. Yes, I yield.

Mr. DOUGLAS. Does the appropriation bill and the items to which we have thus far referred include the cost of purchasing, maintaining, and operating the automobiles and limousines used by the President?

Mr. MAGNUSON. No. That is in a separate item. I am not quite clear as to the method by which that expense is included in appropriation bills, but I know that item is not included in this cost; the cars are leased. I do not know who pays the bill for the leasing——

Mr. DOUGLAS. I may say I think the leases are handled under the item of "other contractual services."

Mr. MAGNUSON. The cost is paid out of that item, but there is no initial payment made. It is a leasing arrangement.

Mr. DOUGLAS. In the report of the Library of Congress prepared for the House committee, which appears on page 129 of the House hearings, at the top of the page it is stated:

> It is reported that at least 20 cars are rented on a regular basis for use by the President and his staff. Additional vehicles are made available when the need arises. The President is reported to use three cars: A recent-model Cadillac, a bubbletop Lincoln costing about $30,000, and a Chrysler Imperial equipped with a sliding roof. Two heavily constructed Cadillacs costing about $65,000 each are occupied by Secret Service men who accompany the President. The Army furnishes chauffeurs for this fleet of cars.

Is that correct?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. The Army furnishes chauffeurs. Is that correct?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. So these items are charged to the Army budget, and not to the White House Office?

Mr. MAGNUSON. And, in addition, the Executive Office can call on a motor pool.

Mr. DOUGLAS. I understand it has a pool of 20 cars of its own.

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. I made an inquiry into this matter. I am simply going into the question of limousines. I found the White House had eight limousines, and that there were two, in addition, for the Secret Service. So there was a total of 10 limousines at the White House.

Mr. MAGNUSON. I do not have any details on the number of cars, but I assume the figures the Senator is citing are correct.

Mr. DOUGLAS. Does this bill include an appropriation for the maintenance and operation of naval vessels used by the President?

Mr. MAGNUSON. No. The cost of the naval vessels is computed separately. It will be recalled that the President in 1952, when he took office, deplored the fact that the *Williamsburg* was available.

Mr. DOUGLAS. The administration used it for a time.

Mr. MAGNUSON. The President declared that it was an unnecessary expense and the ship ought to be put away. The *Williamsburg* has been put away. It is now in the reserve fleet as a gunboat. In the place of the *Williamsburg* we now find being used the *Barbara Ann* and the *Susie E*, the names of the vessels having been changed from the *Leonore* and the *Margie*. The *Leonore* used to escort the *Williamsburg*, and the *Margie* was used for the President's family.

During the fiscal year 1958 the *Barbara Ann* was under way 197 hours, and the *Susie E* was used only 29 hours.

Mr. DOUGLAS. Twenty-nine hours? That seems to be a very small amount of use.

Mr. MAGNUSON. That is correct.

The *Barbara Ann* has one officer and eight enlisted men assigned to it. The *Susie E* crew comprises one officer and five enlisted men. Because these boats, however, are not used simultaneously, a separate crew is not maintained for the *Susie E*, but it is supplied a crew as needed from the crew of the *Barbara Ann*.

For the fiscal year 1958, the following hours were logged for the President and family and Cabinet officers, to whom the *Susie E* is made available in the month of June. This is the month when Cabinet officers can make use of the *Susie E*.

Mr. DOUGLAS. It is a consolation that on the hot nights when the rest of us are sweltering, to know that the Cabinet officers can enjoy the cool breezes of the Chesapeake Bay and the Potomac River. That will undoubtedly contribute to their peace of mind and improve their operating efficiency.

Mr. MAGNUSON. With reference to the cost of operating the two boats, I do not have the exact figures, but there is one figure of $60,000——

Mr. DOUGLAS. If the Senator will yield, the Library of Congress has furnished a figure, which appears on page 129 of the House hearings.

Mr. MAGNUSON. Is it a different figure?

Mr. DOUGLAS. It is stated on that page of the hearings that the 92-foot *Barbara Ann* cost about $140,000 to recondition, and the 60-foot *Susie E* about $35,000. The report goes on to state that there is no data on operating costs from either the Navy Department or the White House, indicating it had asked for that information, but had been unable to obtain it.

Mr. MAGNUSON. But the Navy uses $60,000 each year for their maintenance.

Mr. DOUGLAS. The U.S. News & World Report, in 1957, estimated it would take at least $500,000 to duplicate those vessels today. So the enjoyment of the water has not been completely given up by this administration. It has not been abandoned.

Mr. MAGNUSON. No.

Mr. DOUGLAS. Mr. President, will the Senator yield for a further question.

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. Would the Senator from Washington inform me whether the bill contains an appropriation for the maintenance and operation of Camp David, the President's lodge in the Catoctin Mountains of Maryland?

Mr. MAGNUSON. Camp David is maintained by the National Park Service.

Mr. DOUGLAS. Do you know how much that costs?

Mr. MAGNUSON. I have just been corrected by the clerk. Camp David was under the National Park Service when I knew about it, but it has now been taken over. I understand the Navy Department is responsible for it.

Mr. DOUGLAS. Does anyone know how much the operation and maintenance of Camp David costs?

Mr. MAGNUSON. That is under the Navy. The Senator from New Mexico is not present, but perhaps he would have a figure for it.

Mr. DOUGLAS. I will say I addressed a letter to the Bureau of the Budget some days ago in this regard.

Mr. MAGNUSON. The money for it is not in this bill.

Mr. DOUGLAS. On June 18 I addressed a letter asking for an immediate reply on this and other matters. We were in communication with the Bureau of the Budget last night, and understood a letter was on its way. It was slow in coming, so we asked to have it delivered. When the letter came, it had only the information previously contained in the House hearings, which, to my mind, was not responsive to the questions I addressed.

It should be noted that the Legislative Reference Service of the Library of Congress has stated in connection with this matter that it had trouble in getting information.

Mr. MAGNUSON. The Legislative Reference Service says that the Navy has the responsibility for Camp David.

Mr. DOUGLAS. Who has the responsibility?

Mr. MAGNUSON. The Legislative Reference Service says:

> No cost data on Camp David has been obtainable thus far, either from the White House or from the Navy Department which is responsible for Camp David's administration.

It is not in this bill.

Mr. DOUGLAS. It is not under the National Park Service?

Mr. MAGNUSON. No.

Mr. DOUGLAS. Is it under the Army?

Mr. MAGNUSON. My information was that costs of Camp David were in the Army Budget, but the Legislative Reference Service says that the Navy administers Camp David.

Mr. DOUGLAS. Can we find out from the Navy how much its operation costs?

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

Mr. MAGNUSON. I yield.

Mr. ALLOTT. I suggest that the Senator might ask President Truman. President Truman had the same place when he was President of the United States.

Mr. DOUGLAS. We are not considering President Truman's budget. We are considering the budget for 1960.

Mr. MAGNUSON. Camp David was built by President Roosevelt.

Mr. DOUGLAS. The Senator from Washington, I take it, is aware of the statement made by the Library of Congress, as shown at page 128 of the House hearings:

> Our office has attempted to obtain official data from the White House on such Presidential expenses chargeable to other budget accounts, but to date this information has not been made available.

That is a polite statement saying it was either delayed or refused. I can say that as of this afternoon the information has not been made available by the Bureau of the Budget. They are still holding out on the matter. I want to know what is behind this curtain of evasion. It is amazing that one can find out more from the press on such matters than from the Budget Bureau.

I am going to offer an amendment, I will say, which I hope the committee will accept, to provide that in any request hereafter submitted for appropriations for the maintenance and operation of the Executive Office of the President there shall be included a statement of any services or facilities proposed to be made available to the President under other appropriation accounts, and their amounts.

We stand for publicity on these matters—for the public's right to know. The administration and the Budget Bureau evidently do not believe in this.

Mr. President, I take it we do not quite know who does pay the bill for Camp David, but at least it is not charged to the President's budget. Is that true?

Mr. MAGNUSON. It is not in this appropriation bill.

Mr. DOUGLAS. And therefore it is not charged in any detail of the President's budget?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. I wonder if the very able Senator from Washington, who is a member of the Committee on Appropriations, will use his good offices to see that we get an account of the expenses of Camp David.

Mr. MAGNUSON. I think that could be obtained.

Mr. DOUGLAS. Speaking of transportation, I find in the U.S. News & World Report, which is edited by David Lawrence, who certainly cannot be accused of being an opponent of this administration or a severe critic of the President, in the issue of March 15, 1957, a picture of a motorized golf car which he says is used by the President to reduce his walking on the golf course. I had always thought this was a golf car presented to the President by friends, but it is stated that friends have given him a similar golf car, which means that this golf car was evidently furnished by others than friends.

In the House hearings on page 129, in the second paragraph from the top, it is stated:

President Eisenhower also has the use of a motorized golf car which cost approximately $1,000. It is driven by a Secret Service man.

To whom are the costs of the services of this Secret Service chauffeur charged? Are they charged to the White House budget, or are they charged to the Treasury Department?

Mr. MAGNUSON. They are charged to the Treasury Department.

Mr. DOUGLAS. Could the Senator inform us who paid for the $1,000 motorized golf car? This is not the one contributed by friends.

Mr. MAGNUSON. That I do not know. This is the first I have heard about it. I can assure the Senator from Illinois it is not covered in this appropriation bill.

Mr. DOUGLAS. Since it was not given by friends, as is stated by the U.S. News & World Report article, it must have been purchased by someone. Is the cost in the budget for the White House?

Mr. MAGNUSON. I am sure it is not in this budget. The President could use the special fund he has for such a thing. That is $50,000 the President has, for which he is not accountable.

Mr. DOUGLAS. I wonder if the committee would work on this subject, to see who paid for the golf car.

Mr. SALTONSTALL. Mr. President, will the Senator yield for an observation?

Mr. MAGNUSON. I yield.

Mr. SALTONSTALL. So far as I know, the President pays for his own golf fees at various clubs. This motorized golf car is used to conserve the health of the President, in the same way a tennis court was built on the White House grounds for President Theodore Roosevelt, which is still maintained, and in the same way a swimming pool was built for President Roosevelt.

Mr. DOUGLAS. It was built by private subscription, in the case of President Roosevelt. It was a private subscription conducted by William Randolph Hearst.

Mr. SALTONSTALL. To which Roosevelt does the Senator refer?

Mr. DOUGLAS. To Franklin Roosevelt.

Mr. SALTONSTALL. That was for the swimming pool?

Mr. DOUGLAS. That was for the swimming pool. I happened to have been connected with the Hearst newspapers at the time and I know about it.

Mr. SALTONSTALL. It seems to me we have to maintain the health of our Presidents, whether they are Democrats or Republicans.

Mr. DOUGLAS. I hope the Senator from Massachusetts will not think I am attacking these items. No. No. I want our President to have the very best.

Mr. SALTONSTALL. Of course.

Mr. DOUGLAS. I am merely pointing out how much he has; that is all.

Mr. SALTONSTALL. We are very lucky to have a healthy President. What we want to do is keep him heatlhy.

Mr. DOUGLAS. So the Senator approves of all these services which are provided?

Mr. SALTONSTALL. Sometimes I do not approve of all the services, but it seems to me the President has to have sufficient automobiles to get around.

Mr. DOUGLAS. Twenty?

Mr. SALTONSTALL. He has to have sufficient administrative assistants.

Mr. DOUGLAS. Including eight limousines?

Mr. SALTONSTALL. He has to have an opportunity for exercise.

Mr. DOUGLAS. Six airplanes? Two helicopters?

Mr. ALLOTT. Mr. President——

Mr. DOUGLAS. Two naval vessels?

Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield to the Senator from Illinois for a few more questions.

Mr. ALLOTT. I hope the Senator will limit himself to questions. Otherwise I may be obliged to ask for the regular order.

Mr. MAGNUSON. I will be glad to yield the floor.

Mr. DOUGLAS. No. The Senator from Washington is a very expert witness, and I want to develop these facts by a colloquy with the Senator.

Is it not true that there has been a steady upward trend in the costs of the White House and in the costs of the Executive Office of the President, in regard to the hiring of personnel in so-called special positions and supergrades?

Mr. MAGNUSON. I will say to the Senator from Illinois, I do not have the figures, and they are not included in our hearings. Those figures may be included in the House hearings.

Mr. DOUGLAS. I believe the Senator will find them in the House hearings.

Mr. MAGNUSON. I am not familiar with that phase of the matter. I know there have been added to the White House staff what we call supergrades, or special advisers, or special assistants.

Mr. DOUGLAS. Is it not true that whereas in 1952 there were nine super grade and special positions—namely, those in grades 16, 17, and 18 and the uppermost group above grade 18—there are 20 at the present time in such positions at the White House?

Mr. MAGNUSON. Without giving the Senator the numbers, I will say I checked on this matter a little bit today.

There were two or three extra grades provided in 1949, and some more in 1956. In 1956 there were 4 provided in the GS–16 grade, 2 in the GS–17 grade, and 14 special positions.

Mr. DOUGLAS. That made 20.

Mr. MAGNUSON. Yes.

Mr. DOUGLAS So I was correct in saying that there are now 20 supergrade or special positions.

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. Can the Senator inform me as to how many of those supergrade and special positions there were in 1952?

Mr. MAGNUSON. I am informed that there were 16 or 17 in 1952.

Mr. DOUGLAS. I think the Senator is in error. I have before me a Senate committee print, in the 85th Congress, 2d session, of an additional report of the Joint Committee on Reduction of Nonessential Federal Expenditures, under the chairmanship of the Senator from Virginia [Mr. BYRD]. On page 44 it is stated that in 1952 there were 9 supergrade positions in the White House, of which 8 were so-called special positions, and one was a supergrade. Has the Senator from Washington had an opportunity to familiarize himself with the table which I have given him?

Mr. MAGNUSON. The number has gone up. There are more positions in the special or supergrade category.

Mr. DOUGLAS. The Senator from Wisconsin [Mr. PROXMIRE], in his very able speech, pointed out that the services of seven of those employees are primarily used for lobbying.

Mr. PROXMIRE. The Senator is exactly correct. The Wall Street Journal, which is certainly not an antiadministration organ, made a very careful study, and made the assertion to which I have referred. It has not been challenged. It appeared on June 16. That is 300 percent more than Roosevelt or Truman ever had.

Mr. MAGNUSON. Let me say to the Senator from Wisconsin that this is an appropriation bill. All these grades have been created by Congress, at one time or another. Whether we should have created them or not, I do not know.

Mr. DOUGLAS. We only created them, did we not, at the President's request?

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. We have been very indulgent towards the President.

Mr. MAGNUSON. We feel in duty bound to pay the salaries. What those employees are or are not doing is something else but the positions were created by law at the President's request.

Mr. DOUGLAS. I ask the Senator from Washington if the Bureau of the Budget is not a very important arm of the President?

Mr. MAGNUSON. It is more important than that.

Mr. DOUGLAS. Does the Senator mean it is not merely an arm, but the cerebellum?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. And not merely an arm.

Mr. MAGNUSON. The Senator is correct.

Mr. DOUGLAS. Has the Senator from Washington stated the increase in the

number of supergrades in the Bureau of the Budget?

Mr. MAGNUSON. I do not have those figures, but I can obtain them for the RECORD. Does the Senator from Illinois have them?

Mr. DOUGLAS. Yes; would the Senator from Washington appreciate it if the Senator from Illinois were to supply them?

Mr. MAGNUSON. Yes; I certainly would.

Mr. DOUGLAS. There were 14 supergrade and special positions in 1952. There are 41 today. Does not that indicate that the Bureau of the Budget has done all right by itself?

Mr. MAGNUSON. The Bureau of the Budget could very well take care of itself when it sends up the budget. The Bureau of the Budget prepares it.

Mr. DOUGLAS. And it outlines the number of supergrades.

Mr. MAGNUSON. The Senator is correct.

Mr. DOUGLAS. The Senator from Washington had a distinguished naval career in World War II. Did he not always notice that the headquarters staff was always greatly over strength, and that, in the Army, for example, there would be a great aggregation of colonels, lieutenant colonels, and brigadiers on the headquarters staff; and, in the Navy, of commanders, captains, and commodores?

Mr. MAGNUSON. I think that is a fair observation.

Mr. DOUGLAS. The Bureau of the Budget, which keeps down the expenditures of other organizations, seems to have been very charitable with itself; is not that true?

Mr. MAGNUSON. It seems so.

Mr. DOUGLAS. There has been an increase from 14 to 41 in the supergrades in the Bureau of the Budget.

Mr. MAGNUSON. The Senator is correct.

Mr. DOUGLAS. And an increase from 9 to 20 at the White House.

Mr. MAGNUSON. The Senator is correct.

Mr. DOUGLAS. So the President now has working for him 61 of these supermen—I will not say supermen; but they are paid as though they were supermen. Is that correct?

Mr. MAGNUSON. That is the correct figure.

Mr. DOUGLAS. They are as thick, are they not, as flies used to be on custard pies in a railway boarding house?

Mr. MAGNUSON. Not having eaten in many railway boarding houses, I would not be an authority on that subject; but they are pretty thick.

Mr. DOUGLAS. Seriously, let me ask this general question: Does not the Senator from Washington believe that we should and can make savings in the President's budget?

Mr. MAGNUSON. The Senator from Washington was hopeful, first, that with all the discussion by the White House itself, complaining, before the fact, that we were throwing money around, that we were spenders, and all that sort of thing; and making a plea—and rightly so—for a balanced budget, a better example could have been set by those who make the plea.

However, the Senator from Washington has always taken the position that unless there is something which, on its face, is very unusual, he would be willing to go along with the House, as he has done on many occasions, in connection with what it has allowed the President. Sometimes I do not think he should have some of the things he has requested, but he is the President. Some Presidents would not ask for such things, but if that is what he thinks he wants, I am inclined to go along.

Mr. DOUGLAS. Is the Senator's slogan, "Give the President Everything He Asks For"?

Mr. MAGNUSON. No; not everything. But I believe the American people should know that, in the items listed for White House expenditures, all expenditures should be listed.

Mr. DOUGLAS. Then the Senator will accept the amendment which I propose to offer, providing that in the future all expenditures for items now charged to other departments, but used by the President, shall be stated by the President?

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. I have not yet been able to get this information from the Bureau of the Budget. It has erected a curtain—I will not call it an iron curtain, a bamboo curtain, or an Executive privilege curtain, because Executive privilege has not yet been invoked; but I will call it a comity curtain—and evasion by delay and circumlocution.

Mr. MAGNUSON. The Bureau of the Budget should be the first to give those figures.

Mr. DOUGLAS. And if it does not give the figures, it creates in the minds of the public the idea that there is something wrong. Is not that true?

Mr. MAGNUSON. That is correct.

Mr. DOUGLAS. I hope the Bureau of the Budget will reverse its policy. I find, from the letter just delivered to me, that it hopes that by the end of this week there will be a complete listing. So let us hope that reform really penetrates the Bureau of the Budget, and that it will give us the truth.

The Senator from Washington made the very interesting point that if one asks others to economize, he should set a good example. The Senator will remember the writings of Confucius, who was a wise Prime Minister as well as a Chinese philosopher. Confucius said that the most important thing an executive can do is to set a good example.

Mr. MAGNUSON. That has always been a good rule to follow. It has been said, I suppose, by many people. But particularly when one protests so loudly, as in this particular case, before anything happens, that everyone up here is throwing money away——

Mr. DOUGLAS. The President has charged and is charging that we are wild spenders——

Mr. MAGNUSON. He should set a good example. The extra men in the Bureau of the Budget, and the President, are the people who are going to hold the line.

Mr. DOUGLAS. The 61 supermen.

Mr. MAGNUSON. Yes. A better example could have been set.

Mr. DOUGLAS. I hope the Senator from Washington will not yield the floor immediately, because I should like to ask him one or two more questions.

Mr. MAGNUSON. I thought the Senator had completed his interrogation.

Mr. DOUGLAS. No. The question I should like to address to him is this: Does the Senator remember not only the saying of Confucius but also the popular aphorism in this country to this effect: "What you do speaks so loudly that I cannot hear what you say"?

Mr. MAGNUSON. Yes.

Mr. DOUGLAS. Does the Senator from Washington think that this saying has some connection with the budget of the President and his comments about the budget with respect to other Government services?

Mr. MAGNUSON. Not only that, but to the budget itself.

Mr. DOUGLAS. Yes. The Administration preaches economy and yet it fills its ranks with highly paid people. They promote each other. Is that true?

Mr. MAGNUSON. They not only promote each other, but I remember that the whole State Department and the whole Army had been housed in one building across the street from the White House. That is within my own political lifetime. Now it is all filled up with the Executive Offices of the President.

Mr. DOUGLAS. Of course, neither the Senator from Washington nor the Senator from Illinois is planning to return to the days of Grover Cleveland.

Mr. MAGNUSON. No.

Mr. DOUGLAS. Who had one Secretary and who used to answer the telephone himself.

Mr. MAGNUSON. That is true.

Mr. DOUGLAS. But we do say that the office of the President should be conducted with economy and efficiency and relative simplicity. Is that not true?

Mr. MAGNUSON. Relative simplicity will set an example in these times, and tend toward balancing the budget, and at least it would be helpful to get what is called a sound dollar.

Mr. DOUGLAS. I appreciate what the Senator from Washington has been doing, and I congratulate the Senator from Wisconsin for the amendment which he has prepared. The Senator from Illinois has a similar amendment he will propose if the opportunity offers. He will offer amendments which will save $675,000 from the Office of the President, from the estimates of the Bureau of the Budget and from special projects—that mysterious bourne, into which no one ever penetrates and from which no dollar e'er returns.

It may be that the amendment offered by the Senator from Wisconsin has priority. However, first I believe we should let our long-suffering friends on the other side respond. Then I shall ask for the floor in my own right to move a cut in the President's budget.

First I believe the Senator from Colorado has been heating up for some time.

Mr. ALLOTT. Anyone listening to this debate for the last hour certainly would be long-suffering.

Mr. DIRKSEN addressed the Chair.

Mr. DOUGLAS. Then, since there is no reply from the other side, I claim the floor in my own right.

The PRESIDING OFFICER. The junior Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President——

Mr. ALLOTT. Mr. President——

Mr. DIRKSEN. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIRKSEN] has the floor.

Mr. DIRKSEN. I do not quarrel with the motives of anyone who explores this sort of thing. I believe, however, that the whole story should be told. I know that such remarks as have been made create a great reader interest. We will find them on the front pages of the newspapers. It is so easy to get a line on Camp David. But the whole story is that Camp David used to be Camp Shangri-La, and was acquired under Franklin D. Roosevelt. Let us get the whole story. Let us get the whole picture.

Mr. MAGNUSON. Mr. President, will the Senator yield? I stated that.

Mr. DIRKSEN. The Senator from Washington has set that forth; yes. However, I want to be sure that it is properly emphasized. It is easy to attack these increases without drawing the proper deductions. For example, there is the transfer of employees to the executive payroll and setting forth any kind of figures. But the fact is—and I will stand on it—that there are 100 fewer persons now on the White House executive roll than there were on the 30th of June 1952. If anyone wishes to have that established, we will establish it.

Mr. DOUGLAS. I challenge it and I have already placed the correct figures in the record.

Mr. DIRKSEN. I will establish it in due course.

Mr. DOUGLAS. I wish to say that the figures prepared by the budget are incorrect.

Mr. DIRKSEN. The Senator from Colorado either has or will put certain figures in the RECORD. It is so easy to argue as to what the appropriations show. However, what is the whole story when we begin to take all the figures from the Library of Congress?

There is another possible reason why White House office appropriations and personnel have increased substantially since 1938. Although we are unable to document it, veteran Bureau of the Budget employees state that until 1947 the White House secured a large proportion of its staff by detail from other agencies.

That statement appears at page 138 of the House hearings, and was prepared by the Library of Congress.

I want the whole story told about how these things came about. There has been an increase in the money appropriated for every benefit that is voted, and for everyone on the payroll of the Government. The White House staff gets these fringe benefits. Let us not forget that the country has grown, that the chores have grown, and that, as a consequence, the costs have increased. If we are going to compare them, let us compare them paragraph by paragraph.

I shall not weary the Senate at this late hour. However there are a few things that must be put in the RECORD. We are dealing with aircraft. I ask unanimous consent that all of the fine print on page 142 of the House hearings be included in the RECORD at this point in my remarks.

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

The only aircraft assigned for White House usage is one USAF C–121–E Super-Constellation (the *Columbine*). However, it is not used exclusively by the President but has been used on occasion for the travel of the Secretary of State and high foreign dignitaries during official visits to the United States.

The flight crew of the C–121–E assigned to the White House consists of three officers, two warrant officers, four airmen. There are 8 airmen assigned as security guards and 11 airmen assigned as maintenance crew. Total operating cost for the *Columbine* is $198 per flying hour. This is a direct operating cost and includes petroleum and its products, $88.67; crew, temporary duty, $4.50; and base pay for flight crew, $104.83.

The total flying hours logged for C–121–E (*Columbine*) for fiscal year 1958 was 412 hours. The total direct operating cost is therefore $81,576. This does not include the pay of the 8 guards or 11 maintenance men.

In addition to the *Columbine*, the President over a brief period used a two-engine Aero-Commander plane for short-range, limited-facility use. This plane was supplied from the special air missions group of the Air Force.

The President for the past 6 years has always had one large plane assigned to him and access to smaller planes as needed.

Mr. DIRKSEN. I now allude to the first paragraph of the statement:

The only aircraft assigned for White House usage is one USAF C–121E Super-Constellation (the *Columbine*).

When it comes to others, and when they need some for dignitaries who are visiting, the White House can get them, but the *Columbine*—just as in the case of the *Independence* of President Truman—is the only plane exclusively assigned to the President.

The second thing I wish to put in the RECORD is with respect to the jet planes to which reference has been made. I ask unanimous consent that the memorandum in small print on page 143 of the House hearings be inserted in the RECORD at this point in my remarks.

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

No planes are being acquired for the exclusive use of the President or the White House, as is the *Columbine*.

There are three jet transports now on order by the U.S. Air Force for assignment to its Special Air Missions Group. These airplanes are the military versions of the Boeing 707 and have been designated VC–137–A. The aircraft were not ordered for any one individual or special group. They will take their place in the SAM fleet as replacements for Lockheed Constellation-type aircraft.

The Air Force provided in the fiscal year 1958 program for three VC–137 jet transports at $4.7 million flyaway cost each for a total flyaway cost of $14.1 million. Direct operating cost is estimated at $270.86 per flying hour. This figure includes POL $223.06, crew TDY $4, base pay of flight crew $43.80.

The SAM mission is to provide expeditious air transportation for high ranking U.S. Government officials conducting official business throughout the world. Invited foreign dignitaries and heads of state are also provided SAM service while in guest status. In the past, SAM planes have carried the President, the Vice President, visiting dignitaries, the Secretary of State, Cabinet officers and their deputies, Members of Congress, and officials of the Department of Defense.

There are no helicopters specifically assigned to the President. When he requires helicopter transportation, it is requested from Army and Marine units in the local area. The Marine helicopter squadron is at the Marine Corps Air Station, Quantico; the Army unit is at Davison Army Airfield at Fort Belvoir. These units are stationed in the area for other missions and perform the small additional task of making occasional flights for the President. The type of helicopter which the President uses is the Sikorsky S–58 which is known as the HUS–1 by the Marines, and H–34 by the Army. Operating costs for these helicopters, including fuel, crewing, maintenance, and depreciation, are $350 per hour. Since the President's first flight in these helicopters (September 7, 1957), he has accumulated 21 hours, which would be a total cost of $7,350. (This is exclusive of the cost of operating the helicopters which the President used during his campaign trip in October 1958, which were paid for by the Republican National Committee.)

In addition to the occasional flights which he makes, there are two helicopters on standby to relocate the President and his family in case of a civil defense alert directing the evacuation of Washington. These helicopters are supplied on a rotating basis from the Marine and Army units mentioned above. Since these helicopters are flown on training missions during such duty, provided they remain within a short distance of the White House, this duty does not materially interfere with their military mission.

The President did on one occasion fly in an Air Force Bell H–13J during Operation Alert 1957. He made two flights, one on the 12th and one on the 15th of July, for a total of 2 hours and 5 minutes flight time at a cost of about $252. These helicopters were procured by the 1254th Air Transport Group at Washington National Airport for use by high Government officials. They were found to be too small for carrying the party that normally accompanies the President and, therefore, have not so been used since, although we understand they are still in use by the 1254th Air Transport Group.

Mr. DIRKSEN. I should now like to read some of that language:

No planes are being acquired for the exclusive use of the President or the White House, as is the *Columbine*.

Senators may wonder about the jets. They are replacements for the Lockheed Constellation type aircraft, and they belong to the so-called special air mission, for the dignitaries, and generals, and, I suppose, Senators and Representatives can also use them. Let us put all this in proper context, and not say that these planes are exclusively assigned to the President of the United States, because that is not true.

There is a certain mendacity about it if anyone tries to pin that on the President of the United States. The President is a man without guile, trying to do

his job as best he can. It is an amazing political exploration to demean him in this way. The British Queen is not demeaned in any such manner. The *Britannia* will sail the seas. There would not be a Canadian, there would not be an Englishman raising his voice to talk about how much money the British sovereign spends. Yet here in the greatest country on earth, the richest country, we cavil about a few helicopters and about a few automobiles and about a few motor launches and about a few gardeners at the White House. God save the mark. How petty can we get? How mincing can we get?

We demean the President of the United States. That is a fine way to build up our country abroad. Those are the things which can make the headlines in East Germany or in the Orient: "Senators Attack the President."

The distinguished junior Senator from Wisconsin wants to tell the President now how to reorder his office. That is the purport of his amendment which is pending. He wants to tie the President's hands. He wants to tell him whom he can hire and whom he cannot hire.

Congress amended the law with respect to the executive branch in 1956. The President can have eight assistants or other staff personnel. Now the junior Senator from Wisconsin wants to reduce the number. I do not know whether that is a confession that the assistants have done effective work, or whether it is a reflection upon the gullibility of the Senate. Whatever it is, it is amazing that it should be done.

The House does not dictate to the Senate whom we shall have. The Senate does not dictate to the House whom the House shall have. The President does not dictate to us.

Nobody quarrels with the junior Senator from Wisconsin when he puts 75 persons on his payroll. If Senators think I am kidding about that——

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

Mr. DIRKSEN. In a moment. If Senators think I am "kidding," here is the report.

I am talking about the Proxmire amendment, which would tell the President whom he can have on his staff, whether he can have a deputy assistant to the President, or whether he can have liaison officers. How can their duties be defined?

I do not tell the Senator from Wisconsin whether he can have 75 persons on his staff. But there it is, printed in the Secretary's report. He can have as many as he likes. But I do not think he ought to come before the Senate and seek to impose a crippling amendment on the President of the United States simply because he thinks that the liaison agents, like former Representative Jack Anderson, of California, may have been a little too effective. That is a fine intrusion, is it not, upon the Chief Executive?

I shall not continue; I simply wanted to put this matter in proper context.

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

Mr. DIRKSEN. I yield.

Mr. PROXMIRE. The Senator from Illinois has said that I have 75 persons on my staff. I do not. The fact is that when this publication was issued, or during the period to which it refers, at one time or another—never at the same time—75 different persons had worked in my office. My maximum size staff was far less. But I should like to tell the Senator from Illinois why I had as many as I had. I have explained it to the people of Wisconsin; I have explained it to the press. It is a matter of record.

Mr. DIRKSEN. I do not have to have an explanation by the Senator from Wisconsin.

Mr. PROXMIRE. The Senator from Illinois asked for it.

Mr. DIRKSEN. I do not care about the explanation.

Mr. PROXMIRE. The Senator from Illinois raised the point. I should like to answer it. First, I voluntarily published the full payroll—the amount paid to everyone on my staff. Only a very small number of Senators have done this. Instead of relying on full-time workers, a number of people who worked for me worked only one-fourth, one-quarter time. In the case of many who worked for me it was like having one-fourth of a person in my office.

I hired people to work 10 hours a week. They were largely graduate students at Georgetown University, or American University. They were competent young persons. I was delighted to have the opportunity to help them earn enough money to earn their degrees. They did excellent work.

I insisted on keeping track of every bit of work they did. We had an accounting system in our office, so we knew exactly who came in and when all the work was accomplished. We had a unit work system. It worked very well.

At present, however, I have, probably, fewer persons on my staff than the junior Senator from Illinois has on his.

The junior Senator from Illinois seems enraged—unhappy, at least—because I have pointed out that since President Eisenhower took office he has increased his lobbying staff from one or two persons, which, according to the Wall Street Journal, was the largest number President Roosevelt or President Truman ever had, to seven persons, whose job it is to influence Congress, to tell Congress what to do, in violation of the Constitution and in violation of the Criminal Code. There is no question at all, in my judgment, or I think in the judgment of any objective observer, that this constitutes an effort on the part of the President to impose his will upon Congress, in violation, as I say, of the laws of this country and the Constitution.

Mr. DIRKSEN. When we talk about increases in other areas, perhaps we should become a little introspective and look at ourselves. Since 1954, the legislative appropriation has jumped from $49 million to $120 million. I do not have the exact amount. There has been an addition of some 1,200 or 1,300 employees on Capitol Hill since 1954. That is testimony to the fact that the country is growing and that the business of Congress is growing. I am always glad to vote money for the legislative branch.

But, in the same proportion, the business of the President grows, too. Let us be fair.

Mr. MAGNUSON. I merely wanted to place this in perspective, as the Senator from Illinois has suggested. The committee allowed the full amount to the President.

Mr. DIRKSEN. That is correct. The Senator from Washington is a very appreciative person.

Mr. MAGNUSON. I wonder if the Senator from Illinois would not want the RECORD to show that no matter what we allow the President or what the British Parliament allows the Queen, there is much discussion in the British Parliament about what the Queen spends. Nevertheless, they allow her sufficient money.

What Congress allows the President is our concern. I think we have allowed him sufficient money. The junior Senator from Illinois has served with me on the Committee on Appropriations, as has the distinguished Senator from Massachusetts [Mr. SALTONSTALL]. I do not thing the Senator from Illinois wants to suggest that the American people are not supposed to know what the money is being spent for and why it is being spent, and perhaps express an opinion as to whether it is too little, or too much. That is all that is being done today. I do not know of any amendments to reduce the amount proposed to be appropriated.

Mr. DIRKSEN. The President has not complained. He is trying to organize his staff. Now the Senator from Wisconsin is trying to tell him whom he may have on his staff.

Mr. MAGNUSON. No; the Senator from Wisconsin is merely saying that he thinks the President has too many persons on his staff.

Mr. DIRKSEN. That is not what he said.

Mr. MAGNUSON. There are many persons who have the same opinion, I must say. Ferhaps I do not share the opinion, but the Senator from Wisconsin surely has the right to say that. He represents some of the people who are paying the bill.

I think we have a right to discuss the matter. I hope there will be no suggestion that we should not discuss it; that we should say, as may be said to the Queen of England, "Whatever you want, go ahead." I think we would be derelict in our duty if we did that. I wanted to place the matter in perspective to that extent. We have provided for the President a pretty good amount.

Mr. DIRKSEN. Let us see whether the Senator from Wisconsin is going to tell the President whom he can have on his staff. Here is what his amendment provides. It strikes out the figure "$2,221,000" and substitutes in lieu thereof "$2,136,000." That is quite a substantial reduction.

Then comes the limitation:

> No part of the appropriation shall be available for the payment of compensation to (1) any person occupying the position of assistant to the deputy assistant to the President—

That means that none of the money can be used for that purpose—

(2) Any person occupying the position of staff assistant to the President.

The statute gives the President the authority to have eight staff assistants. Look at the statute. Then:

(3) Not more than four administrative assistants to the President.

Is that telling the President whom he can hire? If it is not, I have never seen the English language.

Mr. PROXMIRE. No, it is not. And the minority leader knows it is not.

Mr. ALLOTT, Mr. DOUGLAS, and Mr. FREAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and if so, to whom?

Mr. DIRKSEN. I yield to the Senator from Colorado.

Mr. ALLOTT. I think no one can disagree with the fact that not only Congress but also the public has a right to know how and where the money is spent. But I object, and object vigorously, to the context in which the questions were asked particularly to the innuendos which were cast and to the way in which they were made.

Mr. DOUGLAS. Mr. President, who has the floor?

The PRESIDING OFFICER. The junior Senator from Illinois has the floor.

Mr. DOUGLAS. Has he yielded for a speech?

Mr. ALLOTT. I will ask the junior Senator from Illinois a question. Is it not a fact that during the last 2 hours the senior Senator from Illinois [Mr. DOUGLAS] usurped the floor and made speeches lasting for 15 or 20 minutes, while he was attempting to utilize the floor under the guise of the question rule?

Mr. DIRKSEN. I will amend that by striking out the word "usurp"; but I will say that the rest is correct. [Laughter.]

Mr. ALLOTT. Is not the Senator from Illinois aware that in the legislative branch of the Government the number of employees—those of Congress—increased from 5,480, in 1953, to 6,561, as of the present time?

Mr. DIRKSEN. As a matter of fact, the number has increased more than that.

Mr. ALLOTT. Under the obligational authority of Congress, is it not a fact that the number of employees of the Architect of the Capitol increased from 1,042 to 1,225?

Mr. DIRKSEN. I think that is what the records show.

Mr. ALLOTT. Will the Senator from Illinois permit me to request unanimous consent to have the table to which I have been referring printed at this point in the RECORD?

Mr. DIRKSEN. I yield for that purpose.

Mr. ALLOTT. Mr. President, I so request.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Is there objection?

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

Legislative branch

FEDERAL CIVILIAN EMPLOYMENT (AS REPORTED TO THE CIVIL SERVICE COMMISSION)

	June 30, 1953	June 30, 1954	June 30, 1955	June 30, 1956	June 30, 1957	June 30, 1958	Dec. 31, 1958
Congress	(1)	5,480	5,629	6,277	6,554	6,788	6,561
Architect of the Capitol		1,042	1,034	1,097	1,088	1,152	1,225
Total	(2)	6,522	6,663	7,374	7,642	7,940	7,786

NEW OBLIGATIONAL AUTHORITY

[In thousands]

	Actual 1953	Actual 1954	Actual 1955	Actual 1956	Actual 1957	Actual 1958	Estimate 1959	Estimate 1960
Congress	$39,802	$40,740	$46,731	$59,883	$60,924	$64,094	$70,026	$72,535
Architect of the Capitol	4,321	5,957	37,323	114,947	6,252	9,796	14,300	6,623
Total	44,123	46,697	84,054	174,830	67,176	73,890	84,326	79,158

EXPENDITURES

Congress	$36,956	$37,618	$42,719	$53,338	$56,356	$60,786	$61,000	$61,850
Architect of the Capitol	9,680	6,279	6,776	11,375	21,231	16,465	30,512	61,309
Total	46,636	43,897	49,495	64,713	77,587	77,251	91,512	123,159

[1] No reports of civilian employment by the Congress were made to the Civil Service Commission prior to March 1954.
[2] Not available.

Mr. ALLOTT. Mr. President, is the Senator from Illinois aware that the compensation of the President of the United States is now the same as it was in 1952?

Mr. DIRKSEN. Yes.

Mr. ALLOTT. So the compensation received by the President is no more or no less than it was at that time. Is not that true?

Mr. DIRKSEN. Yes.

Mr. ALLOTT. I ask the Senator from Illinois whether the appropriations for the White House Office in 1952 were $1,883,615, as opposed to $2,221,000 for the fiscal year 1960. Is the Senator from Illinois aware of that?

Mr. DIRKSEN. I am.

Mr. ALLOTT. Is the Senator from Illinois also aware that the total number of persons employed in the White House Office in 1952 was 261, and the estimated number for the fiscal year 1960 is 272?

Mr. DIRKSEN. That is correct.

Mr. ALLOTT. Is the Senator from Illinois also aware that the total number of employees in the White House, disregarding the employees for civil defense activities, who have been put there, was 1,504 in 1952 and is estimated to be 1,404 in 1960?

Mr. DIRKSEN. Yes; and I so indicated.

Mr. ALLOTT. Will the Senator from Illinois yield, to permit me to request unanimous consent to have printed at this point in the RECORD a memorandum on the White House and Executive Office personnel as of 1952, as compared with the estimated personnel in 1960? The table shows that when the figures are adjusted to omit the employees of the Office of Civil Defense and Mobilization, the total cost in 1952 was $11,469,265, as compared with an estimated total for 1960 of $14,595,500.

Mr. DIRKSEN. Yes. I think that is disclosed by the evidence.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

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

White House and Executive Office personnel, 1952 and 1960

	1952		1960 (estimated)	
	Appropriations	Number of positions	Appropriations	Number of positions
Compensation of the President	$150,000	1	$150,000	1
White House Office	1,883,615	261	2,221,000	272
Executive Mansion and Grounds	335,600	71	475,000	72
White House Police	652,000	170	1,055,000	170
Bureau of the Budget	3,608,000	515	4,665,000	435
Council of Economic Advisers	341,800	47	395,000	31
Emergency Fund for the President	[1] 1,000,000	[2] 82	1,000,000	[2] 5
National Security Council	160,000	23	792,000	[3] 77
National Security Resources Board	1,627,000	135		
Office of Defense Mobilization	1,711,250	199		
Office of Civil and Defense Mobilization			86,970,000	1,768
Special projects			1,500,000	101
President's Advisory Committee on Government Organization			57,500	5
Total	11,469,265	1,504	99,280,500	2,937
Deduct: Civil defense activities			−84,685,000	[4] −1,533
Total, adjusted for comparability	11,469,265	1,504	14,595,500	1,404

[1] For purposes of comparability, excludes reappropriation of $4,580,100.
[2] Represents average number of personnel on a full-year basis; number of positions not available.
[3] Reflects incorporation of Operations Coordinating Board, heretofore financed, as an interdepartmental committee group, out of departmental budgets.
[4] It is estimated that 235 positions and $2,285,000, the amount of the 1959 Office of Defense Mobilization appropriation, are applied to functions of the former Office of Defense Mobilization.

Mr. ALLOTT. Mr. President, I should like to ask the Senator from Illinois another question: On page 129 of the House committee hearings, we find, with respect to the *Barbara Ann:*

In place of the *Williamsburg,* President Eisenhower has the use of two naval vessels, the *Barbara Ann* and the *Susie E,* named after two of his granddaughters.

Does the Senator from Illinois find in the hearings anything to indicate that the former President of the United States had ever used the same vessels?

Mr. DIRKSEN. The records show that those vessels were acquired either in 1946 or before then. One was used by the Secret Service, to accompany the *Williamsburg;* and the other was used by the President's family. So they were acquired long before this administration came into office.

Mr. ALLOTT. As a matter of fact, they were then called the *Eleanor* and the *Margie,* were they not?

Mr. DIRKSEN. Yes.

Mr. ALLOTT. They were acquired in 1945.

Was the Senator from Illinois present when the *Williamsburg* used to cruise up and down the Potomac River, with the President aboard?

Mr. DIRKSEN. I was never aboard that vessel.

Mr. ALLOTT. I mean, was the Senator from Illinois ever in Washington at that time, and did he ever see that vessel?

Mr. DIRKSEN. I have seen the *Williamsburg* on Chesapeake Bay. I do not recall seeing it on the Potomac River. The records show that in 1952 the *Williamsburg* had an active crew of 8 officers and 110 enlisted men.

Mr. ALLOTT. That vessel was decommissioned by President Eisenhower, was it not?

Mr. DIRKSEN. Yes, in 1953.

Mr. ALLOTT. And it is now a part of the naval forces at New London, Conn., is it not?

Mr. DIRKSEN. Either that, or it is put into mothballs—either one or the other.

Mr. ALLOTT. Mr. President, I think I shall postpone my further questions until I see what develops. The Senator from Illinois has had the floor, and I have not had it. I shall wait until I can speak in my own time.

Mr. DIRKSEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. PROXMIRE].

Mr. DOUGLAS. Mr. President, I ask my colleague not to leave the Chamber until I make a statement, please.

My colleague from Illinois made what I am sure was an inadvertent error, which is pardonable, when he stated that the material from which he quoted on page 138 was prepared by the Library of Congress. It is so designated in the House committee hearings, but that is a typographical error. The report of the Library of Congress begins on page 127 and continues through the top of page 138. The Bureau of the Budget then prepared its reply, which runs from page 138 to page 141 and certain following paragraphs; and the junior Senator from Illinois, in perfectly good faith, has been quoting from that reply. But, by a typographical error—we have checked on this—this second statement was prepared, not by the Library of Congress, but by the Bureau of the Budget; and it really constitutes a reply by the Bureau of the Budget to the initial statement made by the Library of Congress.

As I tried to make clear during the colloquy, a very grave statistical error was made by deducting from the 1960 appropriation figures the appropriations for the Office of Civil and Defense Mobilization—a deduction of $84,685,000 and of 1,533 positions—but retaining in the figures for 1952 the expenditures for the National Security Resources Board and for the Office of Defense Mobilization—which amounted, respectively, to $1,627,000, and $1,711,250, or a total of $3,338,250.

But it is more appropriate to consider a comparison of the personnel. When we add the 1952 figures for the National Security Resources Board, the Office of Defense Mobilization, and the Office of Civil and Defense Mobilization—amounting, respectively, to 135, 199, and 1,175—or a total of 1,509—we find that figure is the equivalent of the 1,768, which is the number of the personnel for 1960 in comparable positions; and we find that these figures indicate a net increase of 262 during this period.

I may say also that there has been a great increase in the White House staff; and, of course, the new monstrosity—the "Special projects" item—was created. It did not exist prior to 1956; but in that year it was given an appropriation of $1,250,000, which since then has been increased to $1,500,000. Yet this is one of the reasons why there has been some confusion on the part of my colleague from Illinois.

Mr. President, let me say that I was a little startled at the statement by my colleague from Illinois that we should not scrutinize the expenditures of the President, and that, somehow, it would be unpatriotic to do so; and—perhaps in view of the approaching visit of the Queen of England—he suggested that since the British Parliament does not inquire into the expenditures of the Queen of England, it was, somehow, unpatriotic for us to inquire into the expenditures of the President of the United States.

Mr. President, I had not been aware that we had crowned the Queen of England in this country or that we were attributing to the President of the United States the same monarchial splendor which has been provided for the Queen of England.

Even though our imaginations may be touched by the coming of this beautiful young lady, I do not think we wish to transform this country from a republic into a monarchy. I had not thought Illinois had ceased to be a Republican and had become a monarchist. In a democracy we have the right to scrutinize expenditures of all groups, including our own. I am not in favor of putting a crown on the head of the President of the United States. We settled that long ago and I at least do not want to return to any condition resembling it.

The senior Senator from Illinois feels he is privileged to speak on this subject, because those of us who were here from 1949 through 1952 will remember that very often the senior Senator from Illinois took the floor and proposed cuts in the Truman budgets. He was not censured for those efforts by the leaders of his party. No one ever said that the President was sacrosanct, that his budget should not be questioned. I admit that the senior Senator from Illinois was frequently voted down, but the charge was never made that in trying to bring about economy he was helping the East Germans or the Chinese or other groups. In fact, as the senior Senator from Illinois used to make these attempts for economy, he would notice broad smiles of approval, at times coming quite openly, from the other side of the aisle. They seemed to enjoy it so long as the whiplash was being laid on a Democratic President. They not only enjoyed others laying the whiplash on a Democratic President, but, in unmerciful fashion, they would attack the Democratic Presidents, Harry Truman and Franklin Roosevelt.

I heard the most vitriolic statements made about them and the most vicious comments about the personal expenditures and personal habits of those Presidents.

But now, suddenly, we cannot ask a question about who pays the bill for all this luxury, we cannot even ask a question as to these little naval vessels. We cannot ask a question about the bubble-top Lincoln, or the three jet airplanes that cost $4.7 million apiece, or the Super-Constellations, or the two shorter range airplanes, or the special golf car. As for mentioning the helicopter, that is outside the ball park completely.

Our friends across the aisle seem to have a double standard of ethics. It is all right to pan Democratic Presidents in the severest of terms, but it is almost treason to inquire what a Republican President is spending in the way of money and what the taxpayers are paying. I am not attacking the President. I am merely criticizing his expenditures. Every American citizen has that right.

We should consider the taxpayers primarily. They are the ones who foot the bill. We should at least find out what is being spent for the operation of the White House, and introduce reasonable economies there, if possible.

Senators may remember that some weeks ago the senior Senator from Illinois questioned the expenditures of the Senate itself. He questioned spending $4 million to extend a subway which runs nowhere, and which was probably built through an architectural error, not knowing that the plans for an underground garage had been changed.

The Senator from Illinois was critical of the action of Congress. He did not make himself too popular with his colleagues by doing that, but he was trying to save $4 million for the taxpayers.

The Senator from Wisconsin and the Senator from Illinois were very critical

about putting carpets at a cost of $150,000, on rubber tiled floors which had already cost $100,000. Then when the carpets were put on the floors, it was discovered the doors could not be closed, because the doors had been designed for use with rubber tiled floors, so the doors had to be altered and cut down.

Those events reminded me of the Peterkin family, which was always getting into trouble, and they would have to call on the lady from Philadelphia to bail them out. One morning the Peterkin family made coffee. By mistake, they put salt in the coffee instead of sugar. Then they tried to sweeten the coffee by pouring in sugar. They made the coffee too sweet, so they poured in more salt. That made the coffee too salty. Then they poured more sugar in the coffee. That made it too sweet. Finally they called the lady from Philadelphia to help them. She said, "Throw it all out, and make a new batch."

That is all the Senator from Illinois and the Senator from Wisconsin were trying to do about the carpet over tile floors.

So I think the Senator from Wisconsin and the Senator from Illinois have a record of opposing waste—waste wherever it occurs, whether it be waste in Congress, or waste in the Executive offices. I maintain we have a right to inquire into waste in the Presidential office. That is what we are doing.

Here is an Executive office which had 9 supergrade positions in 1952, and which now has 20 supergrade positions. We have a Budget Bureau which had 14 supergrade positions in 1952, and which has 41 now. The President has 61 supergrade employees.

I admit—I not only admit, but assert—that probably President Eisenhower needs more help than President Truman did. President Truman worked hard at his job, and, working hard at the job, he needed only nine supergrade assistants. I would not expect the present Chief Executive to be cut back to nine supergrade assistants. That would be too rigid.

The Budget Bureau under President Truman was an efficient organization. I know the Bureau has its difficulties. I would not expect to cut it back to 14 supergrades, but if the Senator from Illinois has the opportunity, he is going to move to reduce the number of supergrade positions in the Office of the President by 5—which is, interestingly enough, the very number the Senator from Wisconsin, without consultation with me, arrived at. I am going to move to reduce the number of supergrade positions in the Bureau of the Budget by 10.

This will save at least $15,000 a job. In addition, there is at least a $5,000 secretary. In my judgment, there is also probably a secretary for a secretary, but we will not count that. It will save $20,000 a job, at a minimum, say, of 15 jobs, or a saving of $300,000.

Then the Senator from Illinois is going to move, if he has an opportunity, to take $375,000 out of the mysterious slush fund called "special projects," which has sprung up and grown like a yupas tree to $1½ million.

The Senator from Illinois is going to propose total savings of $675,000. In addition, he is going to ask that in the future we may know how much the airplanes and helicopters and naval vessels and chauffeurs and personal waiters and servants detached from the military cost, and to whom they are charged.

Senators on the other side of the aisle may work themselves into a lather and say we should not question the expenditures of the President, but I think we should remember the taxpayers, we should remember the farmer who gets up early in the morning and works through the day, who has a low income, but has to pay taxes to support activities of this kind; we should remember the wage earner who works at his job 40 hours a week and pays 20 percent or more of his income in taxes, and the small businessman, already facing extinction, who pays heavy taxes to support all these activities.

We should consider these men and women. We should realize that the public purse is not without limits; that private resources are limited; that we should introduce efficiency and economy in government service; and that not even the White House or the Congress is exempt from this requirement.

Let us help the President to practice what he preaches. If, beguiled by those around him, he departs from the simplicity which should be characteristic of a chief executive in a democracy, and if he should want to imitate the regal habits of monarchy, let us save him from that temptation. Let us return to democratic simplicity and thus help the President to set a good example for the American people, for by doing so we are really assisting him in fulfilling what I still believe to be the desire of his heart.

Mr. President, I had a long speech prepared on this subject, but I am not going to deliver it. I think the Senator from Colorado said he wants to reply. We will see what the parliamentary situation is.

I have some amendments I should like to offer. I think the Senator from Wisconsin has priority, however. If the Senator's amendment is rejected—and I intend to vote for it—I shall then offer the other amendments, which will bring about savings totaling $600,000, without specifying the positions involved.

Mr. President, I yield the floor.

Mr. DIRKSEN. Mr. President, I will take only 1 minute. I want the RECORD to show that under no circumstances shall I ever, or have I ever, undertaken to favor a concealment of or wrong disclosure of the truth. I have served on the Appropriations Committees of the House and of the Senate for nearly 18 years. I have dedicated myself in all that time to bringing out the truth, as I saw it.

What I object to, Mr. President, is the statement of a partial truth or a half-truth. I want the whole business laid out where all can see and come to their own conclusions.

The only way I can express the idea, in a half minute, is to relate a story which I told on this floor some time ago, about the watchman at a crossing where an accident took place at night. The watchman was put on the witness stand, counsel qualified him, and asked him questions. Counsel asked, "Were you on duty at the crossing?" The man said, "I was." Counsel asked, "Was it dark?" The man said, "It was dark." Counsel asked, "Did you have your lantern?" The man said, "I had my lantern." Counsel asked, "Did you wave your lantern?" The man said, "I waved my lantern." The company obtained a judgment, and as counsel and the flagman went out, the flagman looked at counsel and said, "By golly, I am glad he did not ask me whether the lantern was lit."

Let us know whether the lantern is lit and what is the whole story.

Mr. President, I intend always to assert the need for economy with all the vigor at my command.

Mr. President, I am ready to vote.

Mr. PROXMIRE. Mr. President, as I understand the situation, my amendment is the pending question.

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. This amendment would have some $84,000. It would reduce the number of lobbyists on the White House staff back to the maximum level the country ever had under any previous President. I ask that the amendment be agreed to.

Mr. MONRONEY. Mr. President, I reluctantly rise in opposition to the amendment offered by my distinguished friend from Wisconsin.

The Office of the Presidency is the mightiest office in the world. It is occupied sometimes by a Democrat and sometimes by a Republican, but the Office of the Presidency must not and should not be diminished. Its flexibility and its responsibility to the Government I do not believe should be diminished by amendments, hastily added to a bill on the floor, designed to restrict the freedom of the President in organizing his office as he sees fit.

Even Members of Congress are not told what money they shall spend for an administrative assistant, for a private secretary, for a press secretary or for a research assistant. Consequently when we thus invade the separation of powers principle to try to act as a nagging nurse in regard to the wide discretion in the Office of the Presidency, with its tremendous responsibilities, we are not acting properly. The President must be given latitude, so I must reluctantly oppose the amendment offered by my distinguished colleague from Wisconsin.

Likewise, I shall oppose the amendments to be offered by my distinguished friend from Illinois, except the last one. I feel that the President takes the responsibility for the expenditures which he and his staff require in the administration of the Executive Office. These expenditures are well known, and should be well known. Perhaps the revelation of them on the floor of the Senate serves a good purpose. But I do not believe it adds to the concept of an independent executive working with an independent

legislative and an independent judiciary for us to put careless or unimportant restrictions upon the Chief Executive of this Nation, who has many duties.

I agree with point 4 of the amendment of the distinguished Senator from Illinois. I think the identification of the services and facilities required to be included in a statement of expenditures of the Executive Office of the President is legislation in the right direction.

Certainly I object, and I have heretofore objected on this floor, to the purchase of three jet planes for the use of the President, the distinguished members of his executive family, the Cabinet officers, and perhaps high-ranking military officers. This was an expenditure I raised my voice against long and loud, and I do not yet approve it.

I do not go along with my distinguished friend, the minority leader, in the intimation that these planes—and particularly these three planes—are not for the primary use of the President. It is all right to say they are not for the exclusive use of the President. No plane was ever built for the exclusive use of any one individual.

So when we determine whether the lantern was lit, a description of exclusive use is a little bit like an unlighted lamp.

These planes are for the principal use of the President, and the White House has consistently defended the item by saying the planes will speed the President from place to place, and the cost will not be too excessive, and so on.

It does us little good to argue at this late date about whether one of the planes is or is not for the principal use of the President of the United States. We do not accomplish anything that way. The President keeps the old-fashioned "Conny" which flies only some 300 miles an hour. Then there are two others, which were bought primarily for the use of the executive officials of the Government.

I think there should have been a request, and there should have been legislative permission granted, before $15 million worth of jet planes were purchased by MATS out of military funds for national defense, when the planes are tied up with crews ready to go and are not assigned to regular duties of airlift or anything remotely approaching it.

Certainly, I think it would be good, in the free enterprise system, to buy a plane for the President. I would have approved that, because the service and security of the plane requires mechanical perfection, and it should be, rightfully, in the hands of the military, for the President's use.

I think it would be a pretty good advertisement for our free enterprise system to charter two other planes, if it were necessary to have them, instead of buying planes and having them standing, rusting away, or becoming weather worn. The worst thing in the world for an airplane is to have it not flying. Then it is in the wrong element, on the ground. An airplane must fly in order to be a good airplane.

How easy, how inexpensive, and how fine it would be if, when the Vice President flies to open the trade fair at Moscow, he could go in a Pan American Super 707, which would be able to fly nonstop from the United States to Moscow.

The three planes which the brilliant generals bought, perhaps to make an impression on some military aides at the White House, cannot fly from here to Moscow nonstop, although they are brandnew planes just being delivered. However, Boeing has already delivered a Pan American plane which is an improvement on these old models our brilliant military minds bought with the MATS money. So we now have three obsolete jet planes for the executive department—admittedly for the executive department—and for a few VIP's.

The charter could have been effected at a fraction of the cost of the plane plus depreciation; and, when carrying the American flag under a free enterprise system, it would have told the Russians that Americans can pay their passage and fly anywhere in a jet plane. It would have been a great example of American ingenuity, and of the rights of our working people, who can cross the ocean for $250 in such planes. But, oh, no—we must have executive planes owned by the Government. That is the same as the Communist system.

Fortunately our privately owned airlines can and do fly farther and better, with more modern equipment.

So I agree with the last part of the distinguished Senator's amendment. I believe that this identification is necessary to protect the President himself and his office against rumors, against misinformation as to what services are being furnished. Let us have everything on record, in connection with the appropriation bill. However, I do not believe it is in keeping with the responsibility of the legislative branch, in the constitutional division of powers which has been so long in effect, to restrict the powers, responsibilities, and flexibility of operation of the President's own office.

Mr. DOUGLAS. Mr. President, I send to the desk an amendment which I ask to have read.

The PRESIDING OFFICER. There is an amendment pending.

The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. PROXMIRE].

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

The yeas and nays were not ordered.

Mr. COTTON. 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. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. PROXMIRE] [putting the question].

Mr. KUCHEL. Mr. President, I ask for a division.

The PRESIDING OFFICER. The "noes" appear to have it.

Mr. KUCHEL. Mr. President, a division.

The PRESIDING OFFICER. A division is called for.

On a division, Mr. PROXMIRE's amendment was rejected.

Mr. DOUGLAS. Mr. President I offer the amendment which I send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following:

> In any request hereafter submitted for appropriations for the maintenance and operation of the Executive Office of the President, there shall be included a statement of any services or facilities proposed to be made available to the President under other appropriation accounts.

Mr. SALTONSTALL. Mr. President, I make the point of order that this amendment is legislation on an appropriation bill.

The PRESIDING OFFICER. May the Chair inquire from the chairman of the committee whether there is any law of this sort at present?

Mr. MAGNUSON. Not specifically. The amendment is a request for information, which I think would not be subject to a point of order. If the amendment imposed additional duties upon the President of the United States, it would be subject to a point of order; but it involves a request for information.

Mr. DOUGLAS. That is correct. I am simply asking that the people's right to know be recognized.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that if the law does not already carry this obligation, this addition to an appropriation bill would place an additional duty on the President, not now provided for by law, and therefore would be improper in an appropriation bill. It is a positive directive to the President to do something that he is not now required to do.

Mr. DOUGLAS. Is it the ruling of the Chair, then, that the amendment is out of order?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOUGLAS. Mr. President, I am very sorry that the Senator from Massachusetts raised the point of order. I believe that on mature consideration he will conclude that he has made a moral mistake.

We have been seeking to obtain this information for some time.

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

Mr. DOUGLAS. In a moment. Let me finish, please.

The Congressional Library tried to obtain this information, and it was refused by the executive department, as will be evident from its statement.

On June 18 I asked for similar information from the Bureau of the Budget. I shall insert my letter in the RECORD.

This afternoon I received a letter from the Bureau of the Budget which is in no sense responsive. It merely gives material which had already been given,

and does not deal with the question of personnel and services to the President, charged to other departments.

I regard the letter of the Budget Bureau as evasive. I think the administration has made a very bad record in this matter. My amendment was designed to obtain the information. Of course, if the Senator from Massachusetts feels that this information should not be given to the public, he is privileged to make his point of order, and we have been put out of commission by a technical point.

I ask unanimous consent that my letter to the Budget Bureau and their reply be printed at this point in the RECORD.

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

JUNE 18, 1959.

MR. MAURICE STANS,
Director, the Bureau of the Budget,
The White House, Washington, D.C.

DEAR MR. STANS: I have been reading the House hearings on the general Government matters appropriation in which are to be found several tables concerning personnel, functions, and activities of the White House.

While this is the most extensive treatment of this subject which I have seen, there appear to be a number of facts which are missing and I wonder if your Bureau could provide at least one set of facts to me.

What I am interested in is the number of individuals who work at or who are assigned to the White House or to the President or his Office, who are in fact carried on the payroll of some other agency or Department. For example, there are numerous military personnel who are assigned as chauffeurs, there are the pilot and crew of the President's plane, there are various liaison officers from the military establishments as well as from other Departments and agencies, and there are a number of people from the State Department and other agencies who are assigned to the National Security Council and work in the White House.

Could a full list of these people be provided to me?

With best wishes.

Faithfully,

PAUL H. DOUGLAS.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 24, 1959.

HON. PAUL H. DOUGLAS,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR DOUGLAS: I have looked into the matter of the number of individuals who work at or who are assigned to the White House or to the President or his office who are in fact carried on the payroll of some other agency or department, which you requested in your letter of June 18.

While we have some of the information which you are requesting, as in the case of the Treasury Department which has a statutory mission to protect the President, we have found it necessary to obtain certain information from the departments and agencies whose employees are assigned to the White House or to the President.

I am attaching a tabulation setting forth the number of people assigned to the White House as of June 30, 1952, and May 31, 1959, that we have been able to identify thus far. We hope by the end of this week to have a more complete listing.

Sincerely yours,

MAURICE H. STANS,
Director.

Partial listing of personnel assigned to the White House or the President and paid from appropriations of other departments and agencies as of June 30, 1952, and May 31, 1959

	June 30, 1952	May 31, 1959
Treasury Department:		
Secret Service	53 agents; 7 clerks	63 agents; 5 clerks.
White House Police	132	149.
Department of Defense:		
Presidential aircraft	*Independence*	*Columbine.*
	1 pilot	1 pilot.
	1 copilot	1 copilot
	3 flight engineers	2 flight engineers.
	1 navigator	1 navigator.
	1 radio operator	1 radio operator.
	1 flight steward	3 flight stewards.
	8 airmen and security guards	8 airmen and security guards.
	10 mechanics and ground crew	11 mechanics and ground crew.
	1 administrative personnel	1 administrative personnel.
Naval vessels:		
Williamsburg	8 officers; 110 enlisted men	
Motor launches (2)	1 officer; 8 enlisted men	1 officer; 8 enlisted men.

NOTE.—No employees are assigned from other agencies to the National Security Council and work in the White House.

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

Mr. DOUGLAS. In a moment.

I had never thought however, that the Senator from Massachusetts would raise technicalities to defeat a good purpose. We all have the highest respect for the Senator from Massachusetts. We like him as a person. In his personal relations there is no one whom we trust more. We are delighted to have him as a friend, a relative, and a neighbor. The Senator from Massachusetts is one of the most estimable men I know. I hope very much that he will withdraw the technical point which he has raised, and return to the self we like to think of characterizing the Senator from Massachusetts.

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

Mr. DOUGLAS. I yield.

Mr. SALTONSTALL. Mr. President, I cannot withdraw my point of order at this time in connection with this appropriation bill.

I will say to the Senator from Illinois that I inquired personally of a representative of the Bureau of the Budget on this subject today, and asked him about the letter which the official in charge of this subject, had written to the Senator from Illinois. He stated that there was simply not time to obtain from the various departments the data which might be necessary.

I will say to the Senator from Illinois that, so far as I am concerned, I shall be glad to join with him, through appropriation committee channels, in obtaining this information, and I certainly will try to see that we have it. I will try to see that the Senator from Washington, other members of the committee, and the Senator from Illinois have the information before the supplemental budget requests come before us.

Mr. DOUGLAS. Why does the Senator object to my amendment?

Mr. SALTONSTALL. Because it is legislation on an appropriation bill. It would place an additional duty on the office of President. I do not believe such a formal characterization should apply to the office of President, any more than it applies in any other department.

We have the right to obtain this information, and, so far as I know, it will not be denied. The difficulty is that it could not be collected in time for the consideration of the pending bill. That is the best information I had, at 2 o'clock this afternoon.

Mr. DOUGLAS. The Library of Congress tried to obtain this material months ago, and was denied it. Six days ago the Senator from Illinois tried to obtain this information. We have been in almost constant telephonic communication with the Bureau of the Budget for the past few days. This is information which could be easily collected.

Information as to the military personnel who drive the automobiles for the President could be easily collected. To whom are they charged? Who pays for the airplanes? Who pays for the helicopters? Who pays for the boats? What about Camp David? All of this is accessible information, if there were the will to produce it. However, the Bureau of the Budget delays and postpones, in the hope that the people will forget about it. They are putting a curtain between this information and the American people. The Senator from Illinois, because of the technical point raised, has no recourse. By the motion of the Senator from Massachusetts, he has been literally put off the court. But the American people will want to know. I predict that in a few days the information will be forced out. I hope the press of the country, which has been so anxious to get at senatorial payrolls—I have published mine and I was glad to to do so—will assert the right of the people to know about expenditures by the Executive.

Since the amendment has been ruled out of order, I send another amendment to the desk, which proposes to cut $300,000 in salaries. This cut could be made in the first place by dropping 5 supergrade personnel attached to the White House, by reducing the number from 20 to 15. That is six more than President Truman had. I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendments will be stated.

The LEGISLATIVE CLERK. On page 2, line 18, it is proposed to strike out "$2,221,-

000" and insert in lieu thereof "$2,121,000."

On page 3, line 17, it is proposed to strike out "$4,665,000" and insert in lieu thereof "$4,465,000."

Mr. DOUGLAS. The first item refers to the President directly. The second one refers to him indirectly.

The PRESIDING OFFICER. Does the Senator from Illinois wish to have the amendments considered en bloc?

Mr. DOUGLAS. Yes. The second item refers to the Bureau of the Budget. Both cuts could be made effective without any loss of efficiency. The amendment would reduce the number of supergrade personnel in the White House by 5 and in the Bureau of the Budget by 10. Their exit would take with them at least a $5,000 secretary for each one and probably more. This is a chance to save $300,000 for the hard-pressed taxpayers of the country. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is the request sufficiently seconded?

The yeas and nays were not ordered.

Mr. DOUGLAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KERR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KERR. Has the Chair announced the sufficiency for a yea-and-nay vote?

The PRESIDING OFFICER. There was not a sufficient second. The absence of a quorum has been suggested, and 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. I also ask unanimous consent that the yeas and nays be ordered on the amendment.

The PRESIDING OFFICER. Is there objection to rescinding the order for a quorum call?

Mr. HICKENLOOPER. To the request that the yeas and nays be ordered by unanimous consent?

The PRESIDING OFFICER. No. Is there objection to the request to rescind the order for the quorum call? The Chair hears none, and it is so ordered.

Mr. HICKENLOOPER. That was a double-barreled request.

Mr. MAGNUSON. I will make it a single-barreled request. I ask for the yeas and nays.

Mr. HICKENLOOPER. I have no objection to the yeas and nays, but I will object to unanimous consent for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. DOUGLAS. Mr. President, I do not intend to take any lengthy time on this amendment. For those who came into the Chamber late, the amendments would effect a saving of $100,000 in the Office of the President. This would be done by reducing the number of supergrade personnel from 20 to 15. There were only 9 in the last year of the Truman administration. It would also reduce the supergrade personnel in the Bureau of the Budget from 41 to 31 and save an additional $200,000, or a total of $300,000. There were only 14 supergrade positions in the Bureau of the Budget when Mr. Eisenhower took office. This would save money for the taxpayers by striking at the swollen bureaucracy of the Eisenhower administration.

Mr. CASE of South Dakota. Mr. President, for the benefit of Senators who have come into the Chamber during the last few minutes, I should like to repeat the sentiment which was expressed by the distinguished Senator from Oklahoma [Mr. MONRONEY]. If the amendment should carry the precedent would be established that Congress would be attempting to tell the President of the United States how to conduct his office. The independence of the Executive in his office must be maintained, just as the independence of the judiciary and that of the legislative branch. It would be an unfortunate precedent if the Congress should start to set a limit upon the request of the President for salaries in his own office. The operation of the executive branch of the Government is different. This deals with the President's own office.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments offered by the Senator from Illinois [Mr. DOUGLAS]. On this question the yeas and nays have been ordered.

Mr. KERR. Mr. President, I believe there is one thing which the Senate has done since I have been a Member of it, without advising and counseling with the President, and that is the matter of providing itself with the staff it needs and fixing the salaries on a basis it thinks equitable. There have been times when, if I could have brought about control of the President by the Senate, I would have done so. However, I would not do it by trying to fix a reasonable amount of salary for the employees he has. I would think that if we were going to take the position that we should determine that question for him, then we should permit him also to determine it for us. Having demonstrated our independence in that regard, I feel we cannot do any less than to extend to him the same privilege which we retain for ourselves.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments offered by the Senator from Illinois [Mr. DOUGLAS]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senators from Arkansas [Mr. FULBRIGHT and Mr. MCCLELLAN], the Senator from Rhode Island [Mr. GREEN], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. MURRAY], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from Wyoming [Mr. O'MAHONEY] is absent because of illness.

I further announce that, if present and voting, the Senators from Arkansas [Mr. FULBRIGHT and Mr. MCCLELLAN], the Senator from Rhode Island [Mr. GREEN], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senators from Wyoming [Mr. O'MAHONEY and Mr. MCGEE], the Senator from Montana [Mr. MURRAY], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

Mr. KUCHEL. I announce that the Senators from Maryland [Mr. BUTLER and Mr. BEALL], the Senator from Indiana [Mr. CAPEHART], the Senator from New Jersey [Mr. CASE], and the Senator from New Hampshire [Mr. BRIDGES] are absent on official business.

I also announce that the Senator from North Dakota [Mr. LANGER], the Senator from Wisconsin [Mr. WILEY], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

I further announce that, if present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Indiana [Mr. CAPEHART], the Senator from New Jersey [Mr. CASE], and the Senator from New Hampshire [Mr. BRIDGES] would each vote "nay."

The result was announced—yeas 5, nays 75, as follows:

YEAS—5

Carroll	Morse	Randolph
Douglas	Proxmire	

NAYS—75

Aiken	Goldwater	Mansfield
Allott	Gore	Martin
Anderson	Hart	Monroney
Bartlett	Hartke	Morton
Bennett	Hayden	Moss
Bible	Hennings	Mundt
Bush	Hickenlooper	Muskie
Byrd, W. Va.	Hill	Neuberger
Cannon	Holland	Pastore
Carlson	Hruska	Prouty
Case, S. Dak.	Humphrey	Robertson
Chavez	Jackson	Russell
Church	Javits	Saltonstall
Clark	Johnson, Tex.	Schoeppel
Cooper	Johnston, S.C.	Scott
Cotton	Jordan	Smathers
Curtis	Keating	Smith
Dirksen	Kefauver	Sparkman
Dodd	Kerr	Stennis
Dworshak	Kuchel	Talmadge
Eastland	Lausche	Thurmond
Ellender	Long	Williams, N.J.
Engle	McCarthy	Williams, Del.
Ervin	McNamara	Yarborough
Frear	Magnuson	Young, Ohio

NOT VOTING—18

Beall	Fulbright	McGee
Bridges	Green	Murray
Butler	Gruening	O'Mahoney
Byrd, Va.	Kennedy	Symington
Capehart	Langer	Wiley
Case, N.J.	McClellan	Young, N. Dak.

So Mr. DOUGLAS' amendments were rejected.

Mr. DOUGLAS. Mr. President, by this overwhelming vote, the Senate has clearly indicated that it is giving up its control over appropriations. It has previously established the precedent that any request approved by the House of Representatives in that body will not be scrutinized or changed by the Senate. The evidence also clearly shows

that when the committees approved requests for expenditures to run the Senate, the Senate as a whole will not change them.

Now Senators are saying, in effect, that everything the President requests will be granted. In speech after speech it has been stated that the bureaus of the Government have made certain requests and commitments, and that therefore it is improper for Congress to make changes in the requested appropriations.

There now seems to have developed a decentralized process by means of which virtually every agency of the Government can determine what it will spend; and it seems to be regarded as improper for any Senator to question the amounts.

Mr. President, only five of us voted for economy in this budget. The defeat we experienced was an overwhelming one. I do not question the good faith of Senators who voted against us, because all of them are good Members of the Senate, and I am sure they voted with the highest of purposes.

I think the people of the country—those on the farms, those who sit quietly in their homes—are asking themselves, "Cannot economy be obtained somewhere? Do the executive, the President and Congress really mean business?"

Mr. LONG. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. DOUGLAS. No, Mr. President; I do not yield at this time.

Mr. LONG. If the Senator from Illinois wants economy, will not he yield for a suggestion?

Mr. DOUGLAS. First, let me finish my remarks; and then I will yield to my good friend, the Senator from Louisiana.

Mr. President, certainly the American people—those on the farms, those in the factories, those in the homes of the workingmen—are asking, "Cannot we have economy?"

Although we wish to take proper care of our President, I do not think we want him to live in Oriental splendor. I think that probably next to the Sheik of Saudi Arabia, we have now provided more liberally for the President of the United States than any ruler anywhere in the world has been provided for; and my belief that simplicity should attach to the office of the President is so strong that I definitely believe it is now time to make a change.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me now?

Mr. DOUGLAS. Mr. President, I do not yield at this time.

Mr. LONG. I do not blame the Senator from Illinois for not yielding, for he knows what is coming. But of course he can yield whenever he is ready. [Laughter.]

Mr. DOUGLAS. Mr. President, we remember that when Thomas Jefferson was first inaugurated President of the United States, he rode on horseback to the foot of Capitol Hill, and then walked to the Capitol Building. But that is regarded as something in the past to which we should not return.

However, I wish to say that simplicity of life, economy, and frugality are still virtues in this country, even though they may be flouted by those in high office.

So, Mr. President, although the five of us were overwhelmingly repudiated here in the Senate, tonight, I do not think we shall be repudiated by the people of the country. And the Senator from Illinois, for one, intends—with good humor, but with persistence—to work for further economies in the budget.

Now I am delighted to yield to my good friend and needler from the State of Louisiana.

Mr. LONG. Mr. President, let me inform the Senator from Illinois that I am not here to needle. I am here to ask about important issues in the country, and particularly about what I regard as perhaps the most important one.

For 11 years the Senator from Illinois has been advocating "peanut" economies—for instance, when he advocated that free shaves for Senators be discontinued, and that they be made to pay 75 cents for shaves; or when he advocated taking the automobile away from the majority leader.

Mr. DOUGLAS. No; I never suggested the latter.

Mr. LONG. Or when he advocated taking the automobile away from the former President pro tempore, who then was 85 years of age.

Mr. DOUGLAS. No; I never suggested that.

Mr. LONG. Or when the Senator from Illinois advocated similar things; or when he advocated taking the rugs out of the new Senate Office Building.

Mr. DOUGLAS. Yes; I did suggest that or rather I proposed that they not be put in when there was no need for them.

Mr. LONG. Or when the Senator from Illinois proposed that the construction of the new subway be stopped 50 feet short of the Senate wing of the Capitol, with the result that Senators would have to run to this Chamber, regardless of the circumstances.

For instance, I recall that once, when a Senator was taking a bath, a vote was begun in this Chamber; and we had to wait until that Senator was able to use the subway and reach the floor. But under the proposal of the Senator from Illinois, the subway from the New Senate Office Building would stop 50 feet short of this building; and such a Senator would have to run all the way from the New Senate Office Building to the Senate Chamber, where he would arrive, no doubt, almost entirely out of breath—panting, perspiring, and in really quite a deplorable state.

Mr. CLARK. Mr. President, I call for the regular order.

Mr. DOUGLAS. No, Mr. President. I do not ask for that. I am glad to yield to the Senator from Louisiana; I would not have him taken off his feet.

Mr. LONG. The Senator from Illinois knows that—as compared to the "peanut" economies which he has advocated—a Government bond with a February 15, 1965, maturity date, which was issued at 2.58 percent interest, now sells at less than 90 percent par, with the result that it yields the purchaser 4.49 percent interest—on a U.S. Government bond—which is almost twice what such bonds were supposed to yield. The Senator from Illinois knows that previously we had a low interest rate—before the policy the Senator from Illinois has advocated went into effect and before he got his way.

Certainly the policy the Senator from Illinois has advocated is costing the Government $2 billion a year extra interest on the national debt; and that extra cost happens to be about 50 times as much as the total of all the "peanut" economies the Senator from Illinois has advocated here during the past several years.

The result of the policy the Senator from Illinois has advocated is that the people of the country are paying this extra interest rate, which operates as a tax on the poor, for the benefit of the rich, to the extent of $15 billion a year.

The Senator from Illinois has now said that that policy is no longer good and that he no longer advocates it. But our Republican friends will not let us forget about it. Every time we try to say that policy is unwise, they read the statements the Senator from Illinois made, to prove from the words of a good, loyal Democratic Senator that that was a fine policy and that it should have been instituted. They say the policy should be continued, and they urge the logic of the Senator from Illinois.

If the Senator from Illinois will go to the repenters' bench, and will say, "I was wrong. I never was right. I made a very bad mistake, and it is costing the Government a fortune. It is a $15 billion hidden tax on the poor, for the benefit of the rich. And I am sorry I ever did it," then I am willing to vote with him for some of his "peanut" economies. [Laughter.]

Mr. DOUGLAS. Mr. President, the Senator from Louisiana has made one of his typically effective speeches. His speech reminds me of the character, Mr. Dick, in Dickens' novel "David Copperfield," who, whenever he discussed any subject, had to bring the head of King Charles into the discussion.

No matter what subject we discuss, the Senator from Louisiana will bring up the interest rate; and he always will try to fasten around the neck of the Senator from Illinois responsibility for the increase in the interest rate.

Mr. LONG. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. First, let me reply to the Senator from Louisiana; and then I shall yield.

Mr. President, I do not intend to go into that issue and discuss it at length at this time. However, I have moved for some very major economies as well as small ones, such as the $1 billion cut I proposed in the Commodity Credit Corporation funds a few days ago.

Mr. LONG. Mr. President, will the Senator from Illinois yield for a question—just a question, now?

Mr. DOUGLAS. No; I ask the Senator from Louisiana to wait a minute, please.

What I was trying to establish in 1950 and 1951 was a competitive interest rate, so that the Federal Government would not compel the Federal Reserve Board to purchase Government bonds at interest rates below the competitive rate, because in so doing the Reserve Banks increased their member bank reserves, which in turn permitted an approximately sixfold multiplication of bank credit, and contributed to inflation.

The Senator from Illinois was correct in that policy. He had some part in effecting the change.

Mr. President, I am not ashamed of that. I am very proud of it. I am not going to sit on the sinner's bench, at all.

But I do say that now this administration is trying to force upon the public an uncompetitive interest rate, and is trying artificially to raise the interest rate, whereas the Truman administration tried artificially to lower the interest rate.

The Senator from Illinois is standing for, and is urging, a competitive interest rate. That is what he is seeking to establish. He believes it is not necessary to increase the interest rate above 4¼ percent.

I shall be glad to argue this point at length on another occasion, Mr. President. But at this time, when the Senate is ready to vote, I do not propose to let the Senator from Louisiana come on the floor and launch into a rhodomontade and attack me.

Mr. LONG. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. If the Senator from Louisiana wishes to ask me a question, of course I will yield.

Mr. LONG. Has the Senator from Illinois not heard his statement read out of context at least half a dozen times, to support an erroneous policy?

Mr. DOUGLAS. The Senator from Illinois has been pained to find that the Republican Secretaries of the Treasury think he is a great fiscal authority when his views happen to correspond to theirs, but that they denounce him as wild-eyed when his views differ from theirs. When George M. Humphrey, formerly the Secretary of the Treasury, and when the present Secretary of the Treasury, Mr. Anderson, say I am a fiscal authority, I am ready to admit it, if they insist on it. And I am ready to say that their present policies are unsound and, furthermore, that the administration is trying to throttle appropriations for human welfare, by advocating reductions in appropriations which the Congress should make to help the health and the housing of the American people.

The PRESIDING OFFICER. If there is no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Mr. RANDOLPH. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. Well, Mr. President, I am torn between a desire to——

Mr. RANDOLPH. Mr. President, I am one of the five. [Laughter.] So will the Senator yield to me?

Mr. DOUGLAS. Very well; I yield with pleasure.

Mr. RANDOLPH. Mr. President, I ask the indulgence of my colleagues for a brief comment.

In the mountains of West Virginia, where there continues to be a considerable lumbering industry, we do not expect a man with an ax to fell a tree with one blow. And I declare to the distinguished Senator from Illinois, that I would not criticize him; rather, I would commend him for his continual chipping away on these unwarranted expenditures. Certainly, the White House must maintain a consistent attitude toward a better balancing of the budget.

Mr. President, we are in good humor in this discussion but actually, my fellow colleagues, this is a basic rule of sound action.

Kin Hubbard, the cracker-barrel philosopher, wrote many years ago:

> I don't believe in kickin';
> It ain't like to bring one peace.
> But the wheel that squeaks the loudest
> Is the one that gets the grease.

I hope the Senator will pursue his "kickin'," and I will stand with him on issues of this type.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment——

Mr. DOUGLAS. Mr. President, I thank the courageous Senator from West Virginia. I have one other amendment, which I send to the desk. I shall not ask for a yea and nay vote on this amendment, because I know what its fate would be, but I wish to have it made a matter of record.

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The LEGISLATIVE CLERK. It is proposed on page 2, line 25, to strike out "$1,500,000" and insert in lieu thereof "$1,125,000."

Mr. DOUGLAS. Mr. President, the Bureau of the Budget, which says there is not money enough to aid education, not money enough to safeguard health, not money enough for housing, not money enough to take care of the needs of the American people, has done very well by itself. Instead of having 14 supergrade positions, as it had in the last year of the Truman administration, it now has 41 supergrade positions. While receiving comfortable salaries, they try to cut down on the needs of the poor. I am proposing that we cut the mysterious special projects appropriation by $375,000. Some of these people work very closely with the Bureau of the Budget.

Mr. President, I do not ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. I will not, however, shun a yea-and-nay vote.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. Has there been a request for the yeas and nays? There has been no such request.

Mr. CARROLL. Mr. President, I was one of the five who voted with the Senator from Illinois on the last vote. I did not fully agree with my distinguished colleague from Illinois, but I did not want to see him standing there alone. [Laughter.] It is a privilege, also, to associate myself with the senior Senator from West Virginia [Mr. RANDOLPH] in his cogent observations.

I want to say now to my distinguished colleague from Illinois I do not think the Bureau of the Budget needs fewer employees. It needs more. What is needed even more is more control by the Congress. I see present the distinguished senior Senator from Oklahoma [Mr. KERR]. He could tell Senators about the Bureau of the Budget.

This is the doctrine I have been trying to teach in my limited experience in this body. The Bureau of the Budget is determining what appropriations the executive branch will request of Congress. It is the one conducting investigations into the executive branch and into the regulatory bodies. We know our own committees are not following through.

I may say to my friend from Illinois he made a fine move toward economy, and I supported him, as a symbol, on the last vote, and only as a symbol, because I did not want him to stand with so few Senators supporting him. I did not quite agree with the Senator, but I did not want him to stand alone.

On the amendment now before the Senate, I think the Senator from Illinois is wrong. I think the Bureau of the Budget needs more personnel, more competent personnel, more salaries. But, more than that, the Congress of the United States needs larger staffs. We are the ones who ought to be staffing ourselves. We are the ones who ought to be spending money to check the Bureau of the Budget and find out what it is doing, so the legislative branch can regain control of the purse strings.

With all due deference to the Senator from Illinois, I hope this amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DOUGLAS].

The amendment was rejected.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that a statement and several exhibits which I have prepared be printed in the RECORD at this point as a part of my remarks.

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

STATEMENT BY SENATOR DOUGLAS

THE WHITE HOUSE AND EXECUTIVE OFFICE BUDGET—THE RIGHT TO CRITICIZE

I wish to point out some of the waste and excesses in the budget of the White House and of the Executive Office of the President. There will be those who will say that a Member of the Senate should not criticize the President's personal budget; that it is above criticism or beyond the pale of congressional approval or disapproval. I do not share this point of view and I believe that my past actions make it possible for me to criticize the waste and extravagance in the President's personal budget.

In the first place, my colleagues will recall that when President Truman was in office, I rose time and again on the floor of the Senate to offer amendments to cut his budget. At that time, I was often joined by my colleagues on the other side of the aisle. However, since a member of their own party has occupied the White House, they have been strangely silent on the increases in the costs, personnel and perquisites of that office. I can only conclude that they operate on a double standard and apply a different set of values to Democratic waste or extravagance than to Republican waste and extravagance.

Not only are they silent in their criticism of Eisenhower waste, but when such issues are raised by members of my party, they appear indignant that anyone would have the temerity to raise such issues or to criticize their President. Their actions make me feel like approving the famous statement that the British journalist, Labouchere, made about Prime Minister Gladstone—and which more often than not, is inadvertently attributed to Disraeli—namely, that while he did not object to Mr. Gladstone always having the aces up his sleeve, what he did object to was Mr. Gladstone's insistence that the good Lord put them there.

In the second place, some may remember that I have also criticized actions of the Congress in supplying what I believe to be unnecessary perquisites to ourselves—perquisites which include free haircuts, subsidized meals, unneeded carpets, and the building of tunnels which seems to go nowhere.

For these reason, my conscience is clear and I believe that the budget of the President and the White House should receive the same scrutiny and evaluation that should properly be applied to all other matters of budgets and expenditures.

Furthermore, the White House and the Republican National Committee, as well as some of our colleagues in this body, have been waging a campaign against a wild-spending Congress.

The truth, however, is quite different. In these last 4 years, a Democratic Congress has cut the President's budget and his requests—including supplemental requests—by about $8 billion. In the 85th Congress, we cut his requests—including supplementals—by some $5.6 billion. In the 84th Congress, we cut his requests—including the supplementals which he also requested—by some $2.3 billion, or a total of $8 billion.

When these facts are given, our colleagues on the other side of the aisle reply that while this is true, we have nonetheless provided for back-door financing which is the reason that the budget was unbalanced, even though we cut it drastically. However, they fail to point out that in almost every case of so-called back-door financing, the President has requested such financing or has included such financing in the bills which he has sent to us, or has signed them into law. In fact, we have only just seen the example of the President requesting some $4.5 billion in back-door financing for the World Bank and the International Monetary Fund, and back-door financing for the latter sent to us in such a way that it would add to the deficit in fiscal year 1959 when it is not to be spent, but not to the fiscal 1960 budget when it is to be spent.

There is another fact about which they are strangely silent, namely, the tremendous deficits which have been piled up under the Eisenhower administration. Under this administration, we have had the largest peacetime deficit in our history. Under this administration, we have been asked to increase the debt ceiling on no less than three occasions, the last at this very moment. Under this administration, the total deficits have amounted to $25.1 billion and have been offset by budget surpluses of only $3.1 billion, leaving a net deficit for 6 years of $22.1 billion. In the 6½ peacetime years Mr. Truman was in office, there were total deficits of $14.4 billion which were offset by surpluses of $11.9 billion, leaving a net deficit of only $2.5 billion. This almost tenfold increase in the budget deficits under President Eisenhower are facts about which the President and his supporters say very little when they charge us Democrats with being wild spenders.

Since the President and his agents have determined to make the spending theme their 1960 campaign issue, it is not unfair to ask that the President should practice what he preaches and work a little harder to set his own house in order. This I intend to help him do today, for he needs our help in this matter. I want him to be just as frugal as he and his party claim he wants to be, or claims that others should be.

Increases in the budget of the White House and the Executive Office of the President

A. The White House Staff

Since 1952, there has been an increase in the White House staff—exclusive of personnel for the Executive Mansion and grounds and White House Police—of 112 positions. In 1952, the number of positions was 262 and the appropriation was $1,883,615. In 1960, the President has requested 373 positions and an appropriation of $3,721,000. This is an increase of 43 percent in the number of personnel and of almost 50 percent in the dollar costs of the staff of the White House office itself, exclusive of maintenance personnel, police and those in the Executive Office. When these figures are examined, it will be seen that this increase has come about by the addition of 11 persons to the White House staff, plus an additional 101 positions for so-called special projects of the President.

When this increase has been pointed out, the administration says it is unfair to count the special projects, but that is where the increases have been and my judgment is that they have been termed "special projects" in order to avoid criticism. Their argument is something like that of the excuse of Rip Van Winkle who, having sworn off the bottle, exclaimed as he lifted the glass to his lips, "We won't count this one." But nonetheless, there are 101 special positions which are a part of the White House office and which have added considerably to the cost of the White House itself.

Others may say that all of this can be explained away by the overall increase in the cost of living and the increase in the functions of the President. However, since the President has come into office, the cost of living index has risen from an index number of 113.5 in 1952 to an index number of 124.0, or by 10.5 points, or 9.2 percent. The rise in the cost of living of 9.2 percent hardly accounts for the 43 percent increase in the personnel and the almost 50 percent increase in the cost of the White House office itself.

When, in addition to this, the personnel of the Executive Mansion and grounds, who number 72, and the White House police, who number 170, are added to these totals, we see that the number of employees at the White House, in addition to the President and the White House office, have increased from 502 positions in 1952 to 615 positions requested for 1960, and that the dollar amounts have increased from $3 million in 1952 to $5.4 million requested in 1960. Thus, here is a place where the President could make a good start in proving to the country how sincere he is in wanting to cut down on waste and extravagance.

B. The White House and Executive Office of the President

The Office of the President includes numerous other personnel who are counted as a part of the Executive Office of the President and who are there because they serve the President in his various functions. There has also been a considerable increase in these numbers. The table below gives these facts and figures.

Comparison of personnel in the Executive Office of the President, 1952 and 1960

Item	1952	1960	Increase (+) or decrease (−)
President	1	1	
White House Office	261	272	+11
Executive Mansion and Grounds	71	72	+1
White House Police	170	170	
Bureau of the Budget	515	435	−80
Council of Economic Advisers	47	31	−16
Emergency fund for the President	82	5	−77
National Security Council	23	77	+54
National Security Resources Board	135		−135
Office of Defense Mobilization	199		−199
Office of Civil and Defense Mobilization	1,175	1,768	+593
Special projects		101	+101
President's Advisory Committee on Government Operations		5	+5
President's Committee on Fund Raising in the Federal Service		4	+4
Total	2,679	2,941	+262

This table is taken from the House hearings on this bill, page 139. However, to make it comparable, I have added to the number of positions under President Truman the figure of 1,175 for the Federal Civil Defense Administration for the year 1952 which, when added to those at the ODM and National Security Resources Board in 1952, is a comparable figure with the 1,768 positions under the new Office of Civil and Defense Mobilization in 1960. Thus, I have bent over backward to make this a fair comparison and one which compares the actual functions in the Executive Office in 1960 with those same functions—in or out of the Executive Office—in 1952. Here, too, then, is a place

where the President could begin to practice what he preaches.

C. Increase in Top Flight and Super Grade Personnel

The question may be asked, What accounts for the large increase in the number and appropriations for the White House Office and the Executive Offices of the President? In particular, what accounts for the increased appropriations for some agencies, like that of the Bureau of the Budget, where, in fact, the number of people has decreased since 1952?

The answer to that question lies largely in the large increase in the number of supergrade personnel or topflight personnel which this administration has added at the White House and in the Bureau of the Budget. These are the personnel who are paid from $14,000 up to $22,500 per year. Let us first examine the increase of these personnel in the White House Office.

In 1952, President Truman had on the staff of the White House Office, eight topflight or special positions and one supergrade position, or for a total of nine. In the 1960 budget, the President is asking for 14 special positions and for 6 supergrade positions, or for a total of 20. Thus, there has been an increase in these topflight positions of from 9, under Mr. Truman, to 20 under Mr. Eisenhower. Now, I know that Mr. Eisenhower probably needs more high-priced help than did Mr. Truman, but I would think that this increase of 11, or of 122 percent, is excessive. I should think that he might be able to get along with only a 50-percent increase in these positions, and I would suggest that the numbers be reduced from 20 to 15, which would still leave him with an increase of 66 percent.

The Bureau of the Budget has had a decrease in personnel of from 515 positions under President Truman to 435 positions under President Eisenhower, or a total of 80 positions, yet their budget has increased from $3.6 million in 1952 to $4.7 million in 1960, or by $1.1 million or by 30 percent. I suspect, also, that some of the functions which were performed by the Bureau of the Budget under President Truman have been transferred to other agencies or to other people in the Executive Office. But, let us take the figures as they have been given.

How does one account for this 30-percent increase in appropriations when there has been a decrease in the numbers employed. Again, it is a great deal more than the increase in the cost of living. But the secret lies, in part, in the great increase in the number of topflight or supergrade positions under the Eisenhower administration.

When President Eisenhower came into Office, there were at the Bureau of the Budget, 12 supergrade employees and two special positions, or a total of 14 topflight positions. In the 1960 budget, the President and the Budget Bureau are asking for 36 supergrade positions and for 5 special positions, or a total of 41 topflight positions which carry salaries from $14,000 and above to a top of $22,500. This is a 300-percent increase in the number of these topflight positions.

I would think that we could cut at least 10 of these positions, thus reducing the number of topflight positions to 31, still leaving the Budget Bureau with an increase in topflight positions of 220 percent over the number which President Truman had.

I think that in view of the increase in the yearly budgets, which are now in the range of $77 to $80 billion per year, and of the tremendous increase in the deficits under this administration which have been, on net, some $22.5 billion, that a 220-percent increase may be needed. But I do not think that a 300-percent increase in the topflight positions at the Budget Bureau are at all necessary.

In fact, if the President were ever to have carried out his campaign pledge—made at Morningside Heights—to reduce our annual budgets to the general level of about $60 billion per year, then, of course, he would probably have not needed this high-priced help in the Budget Bureau. But, they do have their problems in the increased amounts which they recommend that we spend, and they also have the problem of the huge deficits which have come about, including the largest deficit in any peacetime year, so that I think I am being fair when I say that a 220-percent increase in their topflight personnel should be adequate. In fact, if we reduce these numbers as I am proposing, perhaps we might see a proportionate reduction in the size of the budget and the size of the deficits, for, at the moment at least, there seems to be some direct relationship between the increase in topflight personnel and the increase in both budget expenditures and the size of the deficits.

D. The Perquisites of the President

In addition to all of these expenses and expenditures, there are the perquisites of the President which, unfortunately, are now shown in the budget of the White House or Executive Office, for—in the most part—they are charged to other appropriations and to other accounts and do not show up in the White House budget.

These perquisites, which he has at his personal disposal or which are provided to the White House staff and those in the Executive Office, include a fleet of eight limousines at the White House itself—which include a 7-passenger Cadillac, a bubbletop Lincoln costing about $30,000, and a Chrysler Imperial equipped with a sliding roof. In addition, there are two more heavily constructed Cadillacs costing about $65,000 which are occupied by the Secret Service. Then, also, the Director of the Bureau of the Budget and the Office of Civil and Defense Mobilization also have limousines provided to them. Thus, the number of limousines alone come to a total of 12 which are used at the White House or for the President and his agents. Attached to these, of course, are military personnel who function in the capacity of chauffeurs.

In addition to this, the President will have available to him three new Boeing 707 jet airliners—two of which have already been delivered—costing $4.7 million each.

Furthermore, the President has at his disposal two 6-passenger Aero-Commanders and two helicopters which are provided alternatively by the services.

One must also remember that he has at his disposal two naval vessels, the *Barbara Ann* and the *Susie E*, which cost about $140,000 and $35,000 each to recondition. Of course, the President has at his disposal the crews and personnel for these perquisites, as well as the ground crews in the case of his planes.

Even a motorized golf cart appears to be provided for him out of the funds of the Treasury. The cost of the golf cart is estimated at about $1,000 and requires a driver, a function performed by the Secret Service.

The Library of Congress has prepared a very interesting memorandum on these perquisites, which appear on pages 128–129 of the House hearings.

It reads as follows:

"[From the Library of Congress, Legislative Reference Service, Washington, D.C.]

"COMPARATIVE COST DATA ON THE PRESIDENCY AND FUNCTIONS RELATING THERETO, FISCAL YEARS 1938–60

"The Federal cost of maintaining the President, the White House, and his staff has shown a marked increase over the past two decades. Today, the support of this growing establishment necessitates the employment of hundreds of persons and annual outlays running into millions of dollars.

"Data showing this upward trend in congressional appropriations approved for the compensation of the President, the upkeep of the Executive Mansion, the White House staff, and related agencies for every year from 1938 to date are given in the tables appended to this report.

"President Eisenhower receives an annual compensation of $150,000. This includes his salary of $100,000 plus a $50,000 expense allowance. In addition, an allowance of $40,000 is available to pay the President's travel expenses as well as certain entertainment expenses. Presidential remuneration today is just twice that received by President Roosevelt 20 years ago.

"The cost of the upkeep of the Executive Mansion and grounds costs the Federal Government half a million dollars annualy. For the fiscal year 1959 Congress appropriated $515,000 for the care and operation of the Executive Mansion and grounds. This compares with $335,600 provided for the fiscal year 1952, the last year of President Truman's administration, and $210,098 voted for President Roosevelt in 1938. As can be seen in table 3 the greater portion of the total has been for payment for personal services. At the present time there are some 72 persons on the staff of the Executive Mansion. Thirty-four are servants, while the remaining 38 are engineers, carpenters, painters, electricians, gardeners, etc. This total is about the same number as those employed during the last year of President Truman's administration, but represents an increase of 16 over the number maintained at the end of President Roosevelt's administration. Detailed information on the number of persons employed in the Executive Mansion, their occupation and salary appears from time to time in hearings conducted by the House and Senate Appropriations Subcommittees. Table 4 gives this detail for 1938, 1951, and 1959.

"Salaries and expenses of the White House staff exceed $2 million a year. The $2,052,000 appropriated for the fiscal year 1959 is $168,000 more than that provided for fiscal year 1952 and is nearly seven times that voted for President Roosevelt's staff in 1940. Again personal services account for the major portion of this total. Obligations for personal services are estimated at $1,947,165, in the budget for 1960. This is 13 times the amount obligated in the fiscal year 1938. Included also under this appropriation is the $40,000 travel expense fund for the President. Table 6 gives a detailed breakdown of obligations for the White House office staff from 1938 to date.

"The latest Federal budget requests 272 positions for the White House staff in 1960. This compares with 261 in 1952 and 45 in 1938.

"In addition, $1,500,000 has been requested for fiscal year 1960 for the services of 101 persons hired for special White House projects. This staff gives special assistance to the President on particular problems of public policy.

"The U.S. Secret Service, operating under the Treasury Department, is responsible for guarding the President, his family, and the Executive Mansion and grounds. The budget for the fiscal year 1960 asks for $1,055,000 to pay the salaries and expenses of 170 White House police. This amount is seven times the $150,650 provided in 1938 and nearly twice the $652,000 voted in 1952. While the number employed today is about the same as in 1952, it is almost three times that required in 1938. These data cover only the police required for the protection

of the White House and grounds. Excluded are the police employed for the personal protection of the President and his family. We have been advised that funds for this purpose cannot be segregated from the general salaries and expenses of the U.S. Secret Service.

"The funds appropriated for the immediate support of the President and his staff along with the persons employed in 1938, in the last year of President Truman's administration and the most recent request for the Eisenhower administration, is summarized as follows:

	"1938		1952		1960 (requested)	
	Appropriations	Number of positions	Appropriations	Number of positions	Appropriations	Number of positions
Compensation of the President	$75,000		$150,000		$150,000	
White House office	211,380	45	1,883,615	261	3,721,000	[1] 373
Executive Mansion and grounds	210,098	57	335,600	71	475,000	72
White House Police	150,650	60	652,000	170	1,055,000	170
Total	647,128	162	3,021,215	502	5,401,000	615

[1] Includes special projects carried on by the White House.

"It may be seen from this table that the Presidency today necessitates a minimum annual outlay of $5 million and a staff of more than 600 persons.

"This does not include the numerous agencies which act in an advisory capacity and are directly responsible to the President. Such agencies include the Bureau of the Budget, the Council of Economic Advisers, the National Security Council, the Office of Civil and Defense Mobilization, etc. Appropriations amounting to $97,226,000 were requested for the fiscal year 1960 for the entire Executive Office of the President. By far the largest portion of this is for the Office of Civil and Defense Mobilization which asks $86,970,000 for the coming fiscal year. It is difficult to accurately compare the growth of the entire Executive Office of the President because of the constant addition of new agencies or the transfer or abolition of existing ones. Detailed information on appropriations and employees of most of the agencies included under the Executive Office of the President since 1938 is given in the tables included in the appendix. Excluded are the temporary agencies which were set up during World War II.

"Thus for all of the information presented is that which is readily available in appropriations hearings and in the annual volumes of the Federal budget. There are additional costs of the Presidency which are included in budgets of other Federal agencies. Our office has attempted to obtain official data from the White House on such Presidential expenses chargeable to other budget accounts, but to date this information has not been made available.

"However, newspaper and magazine articles have appeared from time to time giving certain cost data on the planes, boats, cars, etc. of the President. Summarized below are the data which have appeared within the last 2 years on this subject.

"President Eisenhower has at his disposal a fleet of limousines, planes, helicopters, two cabin cruisers, a modern Executive Mansion in Washington and a mountain lodge in the Catoctin Mountains in Maryland—all supported out of Federal taxes.

"The air fleet available for the President's use consists of a four-engine Super Constellation, two six-passenger Aero-Commanders and a number of helicopters. In addition, three Boeing 707 jet airliners are on order for use by the President, high-ranking officials and heads of state.

"The Super Constellation *Columbine III* transports the President and his staff on long-distance flights. This plane cost in the neighborhood of $3 million. The White House reports the following crew members: pilot, copilot, navigator, radio operator, 2 flight engineers, 3 stewards, 8 airmen, and security guards, and 11 mechanics and ground maintenance men—a total crew of 28. The Air Force reports that the cost per hour of running this plane is approximately $711.

"Two 6-passenger Aero-Commanders, costing $75,000 each, are available for trips of a few hundred miles. These planes are furnished by the Air Force on short notice. The only cost data available are those reported in 1957. Press Secretary, James C. Hagerty, is reported to have made the statement at that time that it cost between $30 and $35 an hour to operate these planes. This estimate excludes the salaries of the Air Force personnel used to operate them.

"Also at the President's disposal are 12-passenger S–58 helicopters provided in pairs by the Army and Marine Corps.

"U.S. News & World Report in a very recent article estimated that one of the new jet airliners would cost in the neighborhood of $4.7 million.

"It is reported that at least 20 cars are rented on a regular basis for use by the President and his staff. Additional vehicles are made available when the need arises. The President is reported to use three cars: A recent-model Cadillac, a bubbletop Lincoln costing about $30,000, and a Chrysler Imperial equipped with a sliding roof. Two heavily constructed Cadillacs costing about $65,000 each are occupied by Secret Service men who accompany the President. The Army furnishes chauffeurs for this fleet of cars.

"President Eisenhower also has the use of a motorized golf car which cost approximately $1,000. It is driven by a Secret Service man.

"The Ferdinand Magellan, a private railroad car, was formerly available for the President to use on his cross-country tours. The Federal Government purchased it in 1946 for $1. Its value was estimated in 1957 at $200,000. It is understood that President Eisenhower no longer uses this means of transportation.

"The yacht, *Williamsburg*, formerly used by President Truman, was inactivated in 1953 at the request of President Eisenhower. The Navy Department advises that it is not used for anything now, but is held in the reserve fleet at New London, Conn. During the years of its operation it was manned by 8 officers and 156 men and cost $186,000 annually to operate, exclusive of the salaries of the personnel on board. The Navy reports that it is not feasible to segregate the salaries of the Naval personnel used on this yacht from other salary data.

"In place of the *Williamsburg*, President Eisenhower has the use of two naval vessels, the *Barbara Ann* and the *Susie E*, named after two of his granddaughters. The 92-foot *Barbara Ann* cost about $140,000 to recondition, and the 60-foot *Susie E*, about $35,000. No information on operating costs of these vessels has been obtainable to date from either the Navy Department or the White House. U.S. News & World Report in 1957 estimated that it would take at least $500,000 to duplicate these vessels today. It also estimated that the Navy spends approximately $60,000 each year for their maintenance.

"In addition to the Executive Mansion, the President has the use of Camp David, a mountain retreat in the Catoctin Mountains in Maryland. It was built during World War II as a refuge for President Roosevelt. It was named "Shangri La" by President Roosevelt, but was renamed 'Camp David' after President Eisenhower's grandson. No cost data on Camp David has been obtainable thus far, either from the White House or from the Navy Department which is responsible for Camp David's administration.

"APPENDIX

"BUDGET REQUESTS FOR APPROPRIATIONS, APPROPRIATIONS APPROVED, AND TOTAL POSITIONS OF THE WHITE HOUSE AND RELATED AGENCIES, FISCAL YEARS 1938-60

"TABLE 1.—*Compensation of the President*

Fiscal year	Budget request	Appropriations approved
1938	$75,000	$75,000
1939	75,000	75,000
1940	75,000	75,000
1941	75,000	75,000
1942	75,000	75,000
1943	75,000	75,000
1944	75,000	75,000
1945	75,000	75,000
1946	75,000	75,000
1947	75,000	75,000
1948	75,000	75,000
1949	75,000	108,438
1950	75,000	150,000
1951	150,000	150,000
1952	150,000	150,000
1953	150,000	150,000
1954	150,000	150,000
1955	150,000	150,000
1956	150,000	150,000
1957	150,000	150,000
1958	150,000	150,000
1959	150,000	150,000
1960	150,000	

NOTE.—Except where noted, budget requests represent the original request for appropriations carried in the budget document for the years given.

"TABLE 2.—*Executive Mansion and grounds*

Fiscal year	Budget request	Appropriations approved	Number of positions
1938	$143,098	$210,098	57
1939	146,750	146,750	61
1940	146,750	146,750	63
1941	152,750	202,750	63
1942	150,670	150,670	63
1943	145,570	145,570	58
1944	151,500	151,500	59
1945	150,000	150,000	56
1946	150,000	[1] 1,871,940	49
1947	184,000	202,250	56
1948	202,250	202,250	57
1949	230,700	244,200	61
1950	260,400	260,400	61
1951	266,000	266,000	61
1952	315,600	335,600	71
1953	367,200	366,700	72
1954	367,200	356,184	72
1955	366,200	372,197	72
1956	366,200	383,775	72
1957	383,775	383,775	72
1958	400,400	415,000	72
1959	[2] 449,400	515,000	[3] 72
1960	475,000		[3] 72

[1] $1,650,000 of this total was for addition to the Executive Mansion.
[2] Includes supplemental request of $34,000 for fiscal year 1959 presented in the 1960 Federal budget.
[3] Estimated.

"TABLE 3.—*Executive Mansion and grounds, obligations by object, fiscal years 1938–60*

Fiscal year	Personal services	Transportation of things	Communication services	Rents and utility services	Printing and reproduction	Other contractual services	Supplies and materials	Equipment	Grants, subsidies, and contributions	Taxes and assessments	Repairs and alterations	Travel	Land and structures	Special and miscellaneous	Total obligations
1938	$105,125	$11	$552	$11,057			$8,998	$24,241			$54,526	$18		$5,570	$210,098
1939	98,337	20	628	11,180			14,876	11,630			4,300	60		4,759	145,790
1940	103,750	24	603	11,558			12,297	7,180			6,262	48		5,028	146,750
1941	104,106	49	666	11,774			14,882	18,098			32,509	28		5,570	187,682
1942	112,403	22	223	12,420		$8,207	19,157	5,441				5			157,878
1943	101,968	14	144	13,268	$70	11,073	14,932	1,304							142,773
1944	105,834	4	140	12,706	17	8,561	17,570	4,163							148,995
1945	106,300	3	145	12,127		12,983	17,739	703							150,000
1946	114,723	8	140	12,723	66	11,939	25,707	6,652							171,958
1947	164,385	329	76	12,416	97	44,921	38,196	13,545				108	$83,602		357,675
1948	155,604	46	64	13,387	85	101,616	79,881	11,314					13,839		375,836
1949	173,017	30	64	13,892	125	18,358	33,701	4,713				43			243,943
1950	193,774			12,635	154	13,840	25,307	37,408				41			283,159
1951	208,400	49		13,607	640	6,180	32,233	21,988		$73					283,170
1952	253,470	54		17,623	26	20,804	63,779	2,573		147		85	6,986		365,547
1953	287,586	8		27,315	272	13,546	48,765	2,700		85		29			380,306
1954	280,964			28,766	39	52,798	37,750	881		69			42,411		443,678
1955	278,870	9		28,327	159	27,268	53,298	4,367		41					392,339
1956	283,802	34		29,366	40	26,560	46,158	4,125		114				821	391,020
1957	297,335	23	4	34,412	40	20,139	50,409	1,078		207			19,728		423,375
1958	316,692	80		36,460	130	14,287	30,547	274	$16,564	170				[1] 3,946	419,150
1959 (est.)	320,956		145	30,890	125	42,100	48,575	11,984	16,625				14,000	−3,946	481,454
1960 (est.)	362,581			34,890	125	26,100	47,175	7,984	20,000	145			6,000		505,000

[1] 1959 program obligated in 1958. Source: 'The Budget of the U.S. Government,' annual volumes for the years 1940 through 1960. Washington, U.S. Government Printing Office.

"TABLE 4.—*Executive Mansion and grounds—Detail of personal services in selected fiscal years*

	Number of positions	Salaries
1938		
Assistant engineer	1.0	$2,900
Senior foreman gardener (at $2,250)	2.0	4,500
Gardener (at $1,545)	4.0	6,180
Assistant gardener	1.0	1,380
Housekeeper	.5	1,650
Administrative assistant	1.0	2,000
Clerk	1.0	1,620
Receiving clerk and accountant	.5	840
Assistant mechanical superintendent	1.0	2,500
Senior mechanic (at $2,200)	2.0	4,400
Mechanic (at $1,860)	3.0	5,580
Junior mechanic	1.0	1,560
Cook	1.0	1,620
Housekeeper	.5	840
Butler	1.0	1,620
Butler (at $1,380)	2.0	2,760
Messenger (at $1,470)	2.0	2,940
Footman	1.0	1,320
Mechanic's helper (at $1,440)	3.0	4,320
Valet	1.0	1,380
Cook	1.0	1,320
Pantryman	1.0	1,380
Assistant storekeeper	1.0	1,440
Doorman	1.0	1,260
Senior laborer (at $1,425)	8.0	11,400
Butler (at $1,260)	2.0	2,520
Housemen (at $1,160)	3.0	3,480
Cook (at $1,080)	2.0	2,160
Kitchen helpers	1.0	1,080
Laborer (at $1,080)	2.0	2,160
Maid (at $996)	5.0	4,980
Total	56.5	85,090
1951		
Principal operating engineer	1.0	4,525
Operating engineer (at $3,325)	4.0	13,300
Foreman carpenter	1.0	4,525
Carpenter (at $3,380)	3.0	10,140
Carpenter	1.0	3,140
Carpenter's helper	1.0	2,770
Foreman electrician	1.0	4,525
Electrician	1.0	4,150
Do	1.0	3,140
Foreman gardener	1.0	4,525
Gardener	1.0	3,725
Do	1.0	3,460
Gardener (at $3,275)	2.0	6,550
Gardener	1.0	3,050
Gardener (at $2,930)	3.0	8,790
Gardener	1.0	2,850
Do	1.0	2,530
Foreman plumber	1.0	3,900
Plumber	1.0	3,140
Painter	1.0	3,625
Storekeeper	1.0	3,725
Assistant storekeeper	1.0	3,115

"TABLE 4.—*Executive Mansion and grounds—Detail of personal services in selected fiscal years*—Continued

	Number of positions	Salaries
1951		
Maintenance foreman	1.0	$3,625
Clerk	1.0	2,955
Housekeeper	1.0	4,325
Maitre d' hotel	1.0	4,325
1st butler	1.0	3,140
2d butler	1.0	2,914
Butler	1.0	2,450
1st cook	1.0	3,140
2d cook	1.0	2,914
Cook (at $2,770)	2.0	5,540
Cook	1.0	2,652
Do	1.0	2,530
Doorman	1.0	2,850
Do	1.0	2,732
Do	1.0	2,652
Do	1.0	2,120
Houseman	1.0	2,732
Do	1.0	2,652
Do	1.0	2,540
Do	1.0	2,470
Do	1.0	2,260
Do	1.0	2,190
Do	1.0	2,120
Housemaid	1.0	2,470
Housemaid (at ($2,400)	3.0	7,200
Housemaid	1.0	2,120
Messenger	1.0	2,930
Valet	1.0	2,850
Total	61.0	188,598
1959 (estimated)		
Principal operating engineer	1.0	5,645
Operating engineer	7.0	30,425
Foreman of carpenters	1.0	5,645
Assistant foreman of carpenters	2.0	9,860
Carpenter	3.0	12,415
Foreman of painters	1.0	5,240
Foreman electrician	1.0	5,645
Electrician	3.0	14,030
Foreman plumber	1.0	5,240
Plumber	2.0	9,100
Plumber's helper	1.0	3,345
Foreman gardener	1.0	5,645
Gardener	11.0	39,465
Storekeeper	1.0	5,025
Assistant storekeeper	1.0	4,010
Clerk	1.0	3,415
Maitre d'hotel	1.0	5,375
Housekeeper	1.0	5,375
Assistant housekeeper	1.0	3,940
1st butler	1.0	4,010
2d butler	1.0	3,515
Butler	2.0	6,415
Head cook	1.0	4,215
2d cook	1.0	3,670
Cook	4.0	12,690
Valet	1.0	2,960
Doormen	5.0	16,515

"TABLE 4.—*Executive Mansion and grounds—Detail of personal services in selected fiscal years*—Continued

	Number of positions	Salaries
1959 (estimated)—Con.		
Foreman-houseman	1.0	$3,670
Housemen	4.0	12,375
Head laundress	1.0	3,130
Pantrywoman	1.0	2,775
Maids	8.0	23,660
Total	72.0	278,440

Source: 'The budget of the U.S. Government, Fiscal year 1940, Washington.' U.S. Government Printing Office, 1939, p. 25. U.S. Congress. House Committee on Appropriations. Hearings. Independent Offices Appropriations for 1952. 82d Cong., 1st sess. Washington. U.S. Government Printing Office, 1951, p. 6; 'General Government Matters Appropriations for 1959.' 85th Cong., 2d sess. Washington, U.S. Government Printing Office, 1958, p. 135.

"TABLE 5.—*White House Office*

Fiscal year	Budget request	Appropriations approved	Number of positions
1938	[1] $211,380	[1] $211,380	45
1939	[1] 213,160	[1] 213,160	45
1940	[1] 214,200	312,200	63
1941	305,500	305,500	63
1942	307,560	307,560	48
1943	308,910	308,910	47
1944	302,190	302,190	48
1945	339,131	353,631	49
1946	313,038	342,588	52
1947	883,660	883,660	210
1948	1,452,500	952,500	288
1949	969,612	1,169,612	241
1950	1,375,140	1,375,140	238
1951	1,585,553	1,585,553	254
1952	1,883,615	1,883,615	261
1953	1,907,643	1,957,643	279
1954	1,904,790	1,800,000	246
1955	1,800,000	1,895,000	262
1956	1,882,500	1,882,500	271
1957	1,875,000	1,875,000	268
1958	2,051,970	2,052,000	270
1959	[2] 2,151,970	2,052,000	[3] 272
1960	2,221,000		272

[1] Represents funds for salaries, Executive Office; contingent expenses, Executive Office; printing and binding and traveling expenses of the President. In later years these accounts are consolidated under the heading 'White House Office.'

[2] Includes supplemental request of $100,000 for the fiscal year 1959 presented in the 1960 Federal budget.

[3] Estimated.

"TABLE 6.—*The White House Office—Obligations by object, fiscal years 1938–60*

Fiscal year	Personal services	Travel expenses of the President	Other travel	Communication services	Rents and utilities	Printing and reproduction	Other contractual services	Supplies and materials	Equipment	Grants, subsidies, contributions	Taxes and assessments	Total obligations
1938	$144,299	$25,000	----------	$12,255	----------	$2,183	$120	$9,810	$7,912	----------	----------	$201,579
1939	141,366	25,000	----------	12,954	----------	2,130	209	9,604	6,711	----------	----------	197,974
1940	161,142	30,000	----------	12,591	----------	1,965	98	9,400	9,990	----------	----------	225,186
1941	186,282	30,000	----------	15,725	----------	2,700	73	12,795	7,091	----------	----------	254,666
1942	178,268	30,000	----------	13,639	$3,451	7,159	90	11,895	2,580	----------	----------	247,082
1943	195,477	30,000	----------	15,465	2,808	6,843	23	8,740	586	----------	----------	259,942
1944	225,789	[1] 30,000	----------	15,681	2,855	5,864	10	7,538	1,503	----------	----------	289,240
1945	235,643	[1] 29,852	----------	17,869	2,875	7,756	40	9,979	682	----------	----------	304,696
1946	250,996	[1] 14,636	----------	17,405	2,875	9,027	24	11,837	2,951	----------	----------	309,751
1947	772,122	[1] 33,094	----------	17,452	3,199	6,239	71	14,788	1,542	----------	----------	848,507
1948	1,067,200	32,039	$13,293	29,382	5,867	23,682	7,522	14,425	1,092	----------	----------	1,194,502
1949	1,023,060	33,896	----------	28,802	5,801	9,409	954	15,993	5,928	----------	----------	1,123,843
1950	1,185,660	40,000	6,787	32,815	7,725	10,181	1,500	17,345	2,722	----------	----------	1,304,735
1951	1,367,294	37,131	4,929	34,092	7,655	17,406	900	20,651	5,641	----------	----------	1,495,699
1952	1,446,264	39,989	10,151	44,279	7,425	18,004	911	23,580	18,795	----------	----------	1,609,398
1953	1,525,290	55,266	9,561	34,382	10,190	32,345	2,401	30,242	32,647	----------	----------	1,732,324
1954	1,435,479	41,564	18,636	48,416	4,626	30,098	811	31,098	29,724	----------	----------	1,640,452
1955	1,640,038	40,000	20,000	55,152	3,675	34,287	1,382	37,323	22,913	----------	----------	1,854,770
1956	1,649,934	39,240	12,556	62,520	3,327	37,832	6,620	35,608	30,315	----------	----------	1,877,952
1957	1,672,258	29,062	8,763	51,061	2,533	35,448	6,741	31,899	9,181	----------	----------	1,846,946
1958	1,748,437	32,140	8,205	58,879	2,830	46,388	6,805	48,056	12,599	$80,055	$7,576	2,051,970
1959 (estimated)	1,878,165	40,000	25,000	50,000	4,000	30,000	7,000	30,000	15,000	66,835	6,000	2,152,000
1960 (estimated)	1,947,165	40,000	25,000	50,000	4,000	30,000	7,000	30,000	10,000	71,835	6,000	2,221,000

[1] The Federal budget for these years does not indicate whether these funds were for the exclusive use of the President or were for the White House staff.

Source: The Budget of the U.S. Government. Annual volumes for the years 1940 through 1960. Washington, U.S. Government Printing Office.

"TABLE 7.—*Special projects* [1]

Fiscal year	Budget request	Appropriations approved	Number of positions
1956	$1,250,000	$1,250,000	95
1957	1,500,000	1,500,000	113
1958	1,500,000	1,381,000	114
1959	1,500,000	1,500,000	[2] 101
1960	1,500,000	----------	[2] 101

[1] For staff assistance for the President on special problems, e.g., coordination of public works planning, foreign economy policy, etc.
[2] Estimated.

"TABLE 8.—*U.S. Secret Service, White House Police*

Fiscal year	Budget request	Appropriations approved	Number of positions
1938	$150,650	$150,650	60
1939	150,650	150,650	60
1940	150,650	150,650	60
1941	151,400	203,900	80
1942	202,400	263,170	100
1943	202,400	354,400	94
1944	354,400	354,400	92
1945	322,000	309,000	98
1946	269,000	318,500	102
1947	334,000	379,500	110
1948	381,900	381,900	107
1949	370,000	399,000	107
1950	370,000	404,500	110
1951	418,000	522,000	172
1953	698,000	698,000	170
1954	698,000	730,000	145
1955	712,000	786,008	163
1956	800,000	857,000	163
1957	859,000	859,000	160
1958	865,000	908,000	160
1959	[1] 980,000	865,000	[2] 160

[1] Includes a supplemental request of $115,000 for fiscal year 1959 contained in the 1960 Federal budget.
[2] Estimated.

NOTE.—The appropriations given are for salaries and expenses (including uniforms and equipment) for the police used for protection of the White House and grounds. Excluded from this tabulation are the personnel and the funds employed for the personal protection of the President and his immediate family. The U.S. Secret Service advises that this information cannot be segregated from other functions performed by their service.

"TABLE 9.—*Bureau of the Budget*

Fiscal year	Budget request	Appropriations approved	Number of positions
1938	$222,000	$222,000	45
1939	225,000	480,710	103
1940	519,280	671,455	158
1941	808,000	840,100	281
1942	1,237,000	1,315,000	357
1943	$1,982,000	$1,982,000	507
1944	2,712,000	2,817,500	547
1945	3,827,000	2,956,800	566
1946	2,967,100	3,037,357	583
1947	4,052,500	3,762,483	599
1948	3,470,000	3,376,608	595
1949	3,467,000	3,280,500	534
1950	3,314,500	3,300,000	531
1951	3,486,000	3,412,000	534
1952	3,447,000	3,608,000	515
1953	3,850,000	3,461,200	485
1954	3,700,000	3,412,000	446
1955	3,390,000	3,388,617	435
1956	3,349,000	3,559,000	425
1957	3,559,000	3,935,000	458
1958	4,400,000	4,340,000	455
1959	[1] 4,589,000	4,205,000	[2] 435
1960	4,665,000	----------	[2] 435

[1] Includes supplemental request of $384,000 for 1959 presented in the 1960 Federal budget.
[2] Estimated.

"TABLE 10.—*Council of Economic Advisers*

Fiscal year	Budget request	Appropriations approved	Number of positions
1947	----------	$275,000	30
1948	$433,000	350,000	44
1949	400,000	310,000	39
1950	340,000	300,000	36
1951	330,000	300,000	39
1952	392,800	341,800	47
1953	349,000	225,000	33
1954	300,000	301,986	26
1955	325,000	351,000	33
1956	385,000	329,000	32
1957	365,700	365,700	31
1958	398,000	375,000	31
1959	[1] 395,000	375,000	[2] 31
1960	395,000	----------	[2] 21

[1] Includes supplemental request of $20,000 for 1959 presented in the 1960 Federal budget.
[2] Estimated.

NOTE.—Established by the Employment Act of 1946 (60 Stat. 24).

"TABLE 11.—*National Security Council*

Fiscal year	Budget request	Appropriations approved	Number of positions
1949	$200,000	$200,000	31
1950	217,000	200,000	25
1951	175,000	160,000	20
1952	160,000	160,000	23
1953	186,000	155,000	27
1954	160,000	220,000	29
1955	215,000	215,000	28
1956	240,000	244,000	28
1957	$248,000	$248,000	28
1958	710,000	711,000	77
1959	[1] 769,000	700,000	[2] 77
1960	792,000	----------	[2] 77

[1] Includes supplemental request of $69,000 for fiscal year 1959 contained in the 1960 Federal budget.
[2] Estimated.

NOTE.—Established by the National Security Act of 1947 (61 Stat. 496).

"TABLE 12.—*National Security Resources Board*

Fiscal year	Budget request	Appropriations approved	Number of positions
1949	$4,500,000	$3,000,000	280
1950	4,000,000	3,400,000	250
1951	3,500,000	3,500,000	353
1952	4,000,000	1,627,000	135
1953	1,780,000	625,000	135
1954	1,300,000	----------	----------

NOTE.—Established by the National Security Act of 1947 (61 Stat. 499) as an independent agency. Transferred to Executive Office of the President by Reorganization Plan No. 4 of 1949. Board and offices of Chairman and Vice Chairman abolished and remaining functions transferred to newly established Office of Defense Mobilization by Reorganization Plan No. 4 of 1953.

"TABLE 13

Fiscal year	Budget request	Appropriations approved	Number of positions
Office of Defense Mobilization:			
1951	----------	----------	----------
1952	----------	$1,711,250	199
1953	----------	2,409,564	536
1954	----------	2,870,216	389
1955	$2,761,000	2,161,000	294
1956	2,220,000	2,225,000	250
1957	2,283,000	2,200,000	251
1958	2,380,000	2,214,000	[2] 238
1959	2,420,000	[1] 2,285,000	[2] 254
Federal Civil Defense Administration:			
1951	80,000,000	26,750,000	555
1952	450,000,000	75,310,000	1,175
1953	575,000,000	43,000,000	789
1954	150,000,000	46,525,000	773
1955	85,750,000	49,325,000	721
1956	59,300,000	68,675,000	992
1957	123,200,000	93,560,000	1,141
1958	180,000,000	39,300,000	[2] 1,389
1959	67,800,000	38,500,000	[2] 1,575

Footnotes at end of table.

Footnotes at end of table.

Footnotes at end of table.

"TABLE 13.—Continued

Fiscal year	Budget request	Appropriations approved	Number of positions
Office of Civil and Defense Mobilization: 1960	$86,970,000	----------	[2] 1,768

[1] In addition, $4,500,000 was appropriated for the Office of Civil and Defense Mobilization for the fiscal year 1959.
[2] Estimated.

NOTE.—The Office of Defense Mobilization was established in the Executive Office of the President by Reorganization Plan No. 3 of 1953 (67 Stat. 634). The Federal Civil Defense Administration was first created within the Office for Emergency Management by Executive Order 10186 of Dec. 1, 1950. It was subsequently established as an independent agency by the Federal Civil Defense Act of 1950 (64 Stat. 1245). By Reorganization Plan No. 1 of 1958 the Office of Civil and Defense Mobilization was created by merger of the Federal Civil Defense Administration and the Office of Defense Mobilization.

"TABLE 14.—*President's Advisory Committee on Government Organization*

Fiscal year	Budget request	Appropriations approved	Number of positions
1954	----------	$60,000	5
1955	----------	----------	6
1956	$60,000	60,000	6
1957	60,000	57,500	5
1958	57,500	50,000	5
1959	57,500	58,000	[1] 5
1960	58,000	----------	[1] 5

[1] Estimated.

NOTE.—Established by Executive Order 10432 of Jan. 24, 1953.

"TABLE 15.—*President's Commission on Veterans' Pensions*

Fiscal year 1956:
Budget request ---------- $300,000
Appropriations approved ---------- $312,000
Number of positions ---------- 24

NOTE.—Created by Executive Order 10588 to make a special study of the veterans' compensation and pension program. Its activities ceased after submission of its report on Apr. 23, 1956.

"TABLE 16.—*Committee on Retirement Policy for Federal Personnel*

Fiscal year 1954:
Budget request ---------- $225,000
Appropriations approved ---------- $225,000
Number of positions ---------- 18

NOTE.—Created by the act of July 16, 1952 (66 Stat. 723) and authorized to make a report to Congress by Dec. 31, 1953.

"SOURCES

"The Budget of the U.S. Government. Annual volumes for the fiscal years 1938 through 1940. Washington, U.S. Government Printing Office.

"'A Jet Plane—Something New for the White House Fleet,' U.S. News & World Report, March 19, 1959, pp. 62–3.

"'*Columbine III* Cost $348 Hourly in Air,' Washington Post, July 24, 1957, p. 2.

"'Eisenhower and His Money. Many Extra Benefits Available to President,' Washington Star, July 29, 1957, pp. A–1, A–5.

"'When Ike Travels—Golf Carts to Yachts, a Big Fleet Stands by,' U.S. News & World Report, March 19, 1959, pp. 62–3.

"U.S. Congress. House Committee on Appropriations. Hearings. Independent Offices Appropriations for 1952. 82d Congress, 1st session. Washington, U.S. Government Printing Office, 1951, p. 6.

"———. Hearings. General Government Matters Appropriations for 1959. 85th Congress, 2d session. Washington, U.S. Government Printing Office, 1958, p. 135."

In addition, numerous articles have appeared on this subject, two of which are given below:

"[From the U.S. News & World Report]

"WHEN IKE TRAVELS—GOLF CARTS TO YACHTS, A BIG FLEET STANDS BY

"(When a President wants to travel, he can choose from a vast array of vehicles. President Eisenhower, for example, has available 3 airplanes, 2 yachts, a railroad car, 20 automobiles, a farm car, and a motorized golf cart. Included are two specially built Cadillacs for Secret Service men. Now two helicopters are being added to the White House armada. They will be used to fly the President and his Secret Service guards on short trips—to the airport, perhaps to his golf club, and his Gettysburg farm. Idea is that they will save Ike's time and protect him from traffic dangers.)

"Dwight D. Eisenhower has found a new way to simplify the difficult job of being President of the United States. He is soon to get a helicopter to whisk him away from the White House and back again on short trips. Another helicopter is being acquired to carry the Secret Service men who must accompany and guard the President everywhere he goes.

"The White House announcement of the purchase of the helicopters is now centering attention on the transportation facilities that a President enjoys in these days of mechanization and air travel.

"Already, Mr. Eisenhower is far ahead of any previous President when it comes to conveniences and conveyances. He has at his disposal a vast array of vehicles—ranging from a $3 million airplane to a motorized golf cart.

"Now, with the addition of two helicopters to his transportation armada, the President will have a vehicle for almost every occasion.

"Dangerous traffic jams

"Main idea behind the purchase of the helicopters is to save the President's time and protect him from traffic jams, which are dangerous as well as a source of delay.

"The whirlybirds will be used principally, according to White House officials, to fly Mr. Eisenhower from the White House to the airport. They also may be used, officials say, to fly him to the Burning Tree golf club—8.8 air miles northwest of the White House—or to speed him to his farm at Gettysburg, Pa.—about 60 miles away by air.

"Another idea, not being publicized but admitted by a White House aide to have been taken into consideration, is this: 'The helicopters would be of great value if the President ever had to evacuate Washington in a hurry in case of attack.'

"Mr. Eisenhower is a man who likes to get from point A to point B in the shortest possible time. To accomplish this, he will now have at his disposal—including the helicopters—5 aircraft, 2 yachts, a fleet of about 20 automobiles, a special railroad car, a motorized golf cart, and a miniature automobile for touring his farm. Other vehicles of various kinds are readily available in case of special need.

"Previous Presidents also have had planes, yachts, railroad cars and automobiles. Helicopters, however, are something entirely new to presidential travel.

"Range: 200 miles

"The helicopters, which will go into service in about 2 months, are Bell 47–J Rangers, costing about $60,000 apiece. Each can carry four people, and has a range of about 200 miles. The 47–J can fly at about 100 miles an hour.

"One of the helicopters will carry the President, his pilot, and a Secret Service man. The other will carry three more Secret Service men.

"Chief asset of the helicopters is that they can take off from the White House lawn and land only a few feet away from the precise destination—beside the President's big plane at the airport, near the first tee at Burning Tree, or on the lawn at Gettysburg.

"Result is considerable time saved. Exactly how much may be saved can be seen in the chart on page 50.

"Adding up all the trips that Mr. Eisenhower usually makes to the airport, to Burning Tree and to Gettysburg in a year, you come up with a yearly saving in travel time of at least 40 hours, if helicopters are used.

"Helicopters, however, will be only a small part of President Eisenhower's motorized armada.

"Queen of the travel fleet still will be the *Columbine III*, the four-engine Super Constellation that Ike uses on long trips. This $3 million plane drinks up $97 worth of gasoline every hour it is in the air, and the Government spends at least $20,000 a month to guard it and keep it in flying trim.

"The *Columbine* requires a crew of 10 persons, including 4 stewards, and the President's personal pilot, Lt. Col. William G. Draper. The big, silver-gray ship has every possible convenience—including a galley, a stateroom, a dressing room, and sleeping quarters for at least 10 passengers.

"For flights of medium distance, the White House has two $75,000 Aero-Commanders, each of which carries six persons. These are the planes which have been used for flights to Gettysburg. When Mr. Eisenhower was recuperating at the farm after his ileitis operation, last year, at least four Aero-Commanders were used in a shuttle service for White House aids and presidential callers.

"Land fleet

"On the roads, President Eisenhower can command an impressive fleet of automobiles. About 20 cars are rented for the White House staff. Reserved for the President's personal use are a late model Cadillac, and the famous 'bubble' car—a Lincoln incorporating features suggested by Ike.

"The 'bubble' is a sloping roof of Plexiglas which covers the entire rear seat. This protects Ike from the weather, but enables crowds to see him as he drives by. It can be brightly lighted so he can be seen by night. Mr. Eisenhower got the idea of the 'bubble' in 1954 when he noticed that people lining the sidewalks as he drove by were unable to see him when the top of his convertible was put up.

"Cost of the 'bubble' car is estimated at more than $30,000.

"Recent additions to the White House fleet of cars are two Cadillacs which have bodies of heavy steel and cost $65,000 each. They were especially designed for the Secret Service men who always accompany the President's limousine. The vehicles are open cars, with special frames, engines and chassis, and with bodies reinforced with heavy metal. They have running boards and footstands for the Secret Service men, and special compartments for tommyguns and pistols. Each car can carry nine persons at speeds up to 100 miles per hour.

"Just last week, friends gave Mr. Eisenhower the 1942 Cadillac that was his command car in World War II. The car will go into the Eisenhower memorial museum at Abilene, Kans.

"On his farm, Mr. Eisenhower has several vehicles. Best known is a miniature automobile with a fringed canvas top—also a gift.

"Motorized golf

"Ike also uses motorized transport on the golf course. At Augusta, Ga., he rides from tee to green in a chromium-trimmed cart that has his initial printed in gold on the side. It was donated to the President by friends at the Augusta National Golf Course, where he goes several times each year to play his favorite game.

"Cost of the golf cart is estimated at about $1,000. It is chauffeured about the golf course by a Secret Service man.

"Sometimes Ike's cart is joined on the golf course by other carts carrying fellow players. Secret Service men and the President's personal physician, Maj. Gen. Howard McC. Snyder.

"The sight of this motorized caravan advancing across a golf course has been described by watchers as something resembling a tank attack. As a matter of fact, considerable firepower is contained in those carts. Secret Service men carry submachineguns in their golf bags. At least one of the carts is equipped with two-way radio.

"Rail travel

"President Eisenhower has a special railroad car—called the Ferdinand Magellan—which is truly a home on wheels. The Government bought it for only $1 in 1946, but its value is estimated at $200,000. Mr. Eisenhower, however, doesn't care much for the old car and uses it very little.

"When the President does travel by train, as on a campaign speaking trip, he usually uses a more modern car belonging to some railroad official.

"Small Navy

"President Eisenhower doesn't care much for ships or yachting. He disposed of the yacht *Williamsburg* which the Navy kept in trim for former President Harry S. Truman. However, Ike still is able to call on two vessels set aside by the Navy for presidential use.

"One is a 92-foot yacht named *Barbara Anne* which cost $140,000 to recondition. The other is a 60-foot yacht called *Susie E.* which $35,000 to put in shape. It would take at least $500,000 to duplicate the two craft today, and the Navy spends an estimated $60,000 a year to keep them maintained and manned. The vessels are named for the President's granddaughters.

"Despite these naval facilities, Ike has made only four boat trips since he took office.

"Arrival of the two new helicopters is expected to be the last major change in presidential transportation for some years to come. After studies, it has been decided that jets are not at present feasible for use by the White House.

"'But someday the President will have a rocket ship, I guess,' says a White House aid."

"[From the U.S. News & World Report]

"A JETPLANE: SOMETHING NEW FOR THE WHITE HOUSE FLEET

"(Mr. Eisenhower plans to be the first President to travel by jet, with a special jet transport on order for his use. The jet to be added to the fleet of White House planes will fly at 575 miles per hour, reach Paris in 7 hours, cost $4.7 million. With eight planes, Ike expects to set a record for travel.)

"President Eisenhower in April is scheduled to add a jet airliner to his fleet of travel facilities.

"Mr. Eisenhower already is the first President to travel extensively by helicopter. He has a four-engine Super-Constellation, especially fitted and reserved for his own use. Half a dozen smaller aircraft—six-passenger Aero-Commanders and new-model helicopters—are kept available for White House transportation at any time.

"The new jet is to be a modified Boeing 707, similar to those being used by commercial airlines on transatlantic runs but with an especially designed interior for the President's convenience on long trips.

"Time saver

"With his jet transport, Mr. Eisenhower will be able to carry out his announced plans for traveling over much of the world in the coming two years, while losing little time in actual travel. The jet, flying at 575 miles an hour, will bring Paris to within 7 hours of the White House. India can be reached in only 14 hours, the Philippines in about the same time. A trip to Alaska for statehood ceremonies in July will take no more than 9 hours. Hawaii can be reached in about 8 hours from Washington.

"The Presidential jet, as yet unnamed, is to be checked out thoroughly after its delivery in April, and ready to use by mid-June at the latest. It will be one of three 707 transports, all fitted with special interiors and extra equipment, to be maintained by the Air Force in Washington for 'special air mission' flights. Of the two others, one is to be for State Department use, one for standby and occasional use by top-level officials.

"You get an idea of what the President's newest plane will be like from the drawing on these pages. There will be plush furnishings to accommodate Mr. Eisenhower, a party of aids and officials, plus a number of Secret Service men—up to 46 passengers, in addition to the crew.

"Comfort and efficiency

"While traveling at 30,000 feet and close to the speed of sound, most of the President's party will be able to relax in reclinable seats in the front and rear cabins. The center cabin will become the main living area, with sofa beds for Mr. Eisenhower's use, tables with swivel chairs, closets, and a dressing area for overnight flights. A pulldown container for charts is installed in this area, along with a projection screen, for use in briefings conducted during flight.

"It's a big plane, 145 feet long and about 139 feet from wingtip to wingtip. The commercial version, with a standard seating arrangement, can carry more than 100 passengers across the Atlantic in relative comfort. The President's model, with far fewer passengers, will carry a great deal of special equipment for navigation, communication, and safety. It will be based at Andrews Air Force Base, in Maryland close to Washington.

"Cost: $4.7 million

"What about its cost? That is estimated now at $4.7 million, or about 50 percent more than the especially equipped Super-Constellation which now serves as the queen of the Presidential fleet of aircraft. Each of the two other 'SAM' jets ordered by the Air Force will cost the same.

"The President still expects to keep and use his fleet of other vehicles, however, for future trips in the air.

"The now-famous *Columbine*—Ike's Super-Constellation which has been used for trips abroad—will be retained for future trips of moderate length. This piston-driven aircraft cost about $3 million, carries a crew of 10, and is equipped with an elaborate galley, a stateroom, a dressing room, and sleeping quarters for at least 10 passengers.

"In addition, two $75,000 Aero-Commanders, each able to carry six persons, are to be kept available for White House use on 1-day notice. These small planes also are maintained by the Air Force, can be used for trips of a few hundred miles. In the past, they have been used to provide a shuttle service between Washington and Gettysburg for the President and members of his staff.

"The President's personal pilot, Col. William G. Draper, will fly the fast new jet as well as these propeller-type aircraft when Mr. Eisenhower is aboard. Presidential air travel now is taking more and more of his time.

"New, larger helicopters

"Helicopters, too, are being used frequently now by President Eisenhower, who flies in one nearly every week. For short hops, he is using a bigger model than he flew in earlier. This new version is the 12-passenger S–58 type, furnished in pairs by the Marine Corps and the Army alternately as they are needed by the White House.

"With his expanded fleet of jet and piston-type aircraft, Mr. Eisenhower now plans a series of globe-hopping trips for this year and next, and expects to log more trip mileage in these 2 years ahead than he has in the last 6. To date, the President has made nine trips outside the continental United States, with two trips each to Europe, Bermuda, Canada, and Mexico, one to Panama.

"A flying trip to India, Pakistan, and the Philippines, for example, is scheduled. The President especially wants to visit India's Jawaharlal Nehru and may include a visit to Japan in the course of this trip.

"Two European trips

"At least two trips to Europe are in the planning stage. A new summit meeting is still possible, to be held probably at Geneva. Separate meetings with allied heads of state in Europe are under consideration as well, with Mr. Eisenhower now able to get there for weekend get-togethers by jet.

"A visit to Canada is planned for the end of June, when the President will meet with Britain's Queen Elizabeth and attend ceremonies opening the new St. Lawrence Seaway.

"In addition, he plans to attend a 21-nation conference in Latin America, tentatively scheduled for Buenos Aires, and may make special trips to see individual leaders on the pattern of last month's 2-day visit to Acapulco.

"Mr. Eisenhower, in brief, plans not only to be the first President to travel by jet plane, but to make use of the technique of jet travel to cover much of the world for face-to-face meetings in the years just ahead."

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. MAGNUSON. Now that the Senate is ready for a vote, I wish to express my appreciation to all the members of the subcommittee, who worked so hard on the independent offices appropriation bill and this bill. Many agencies and many problems were involved. Before the Senate votes, I want to thank the fine staff, particularly Mr. Earl Cooper, which worked so hard in the subcommittee on these two bills.

The PRESIDING OFFICER. The question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. MURRAY], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from Wyoming [Mr. O'MAHONEY] is absent because of illness.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senators from Arkansas [Mr. FULBRIGHT and Mr. MCCLELLAN], the Senator from Rhode Island [Mr. GREEN], the Senator from Massachusetts [Mr. KENNEDY], the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY], the Senator from Montana [Mr. MURRAY], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senators from Maryland [Mr. BUTLER and Mr. BEALL], the Senator from Indiana [Mr. CAPEHART], the Senator from New Jersey [Mr. CASE], and the Senator from New Hampshire [Mr. BRIDGES] are absent on official business.

I also announce that the Senator from North Dakota [Mr. LANGER], the Senator from Wisconsin [Mr. WILEY], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

I further announce that, if present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Indiana [Mr. CAPEHART], the Senator from New Jersey [Mr. CASE], and the Senator from New Hampshire [Mr. BRIDGES] would each vote "yea."

The result was announced—yeas 79, nays 2, as follows:

YEAS—79

Aiken	Gore	Monroney
Allott	Gruening	Morse
Anderson	Hart	Morton
Bartlett	Hartke	Moss
Bennett	Hayden	Mundt
Bible	Hennings	Muskie
Bush	Hickenlooper	Neuberger
Byrd, W. Va.	Hill	Pastore
Cannon	Holland	Prouty
Carlson	Hruska	Randolph
Carroll	Humphrey	Robertson
Case, S. Dak.	Jackson	Russell
Chavez	Javits	Saltonstall
Church	Johnson, Tex.	Schoeppel
Clark	Johnston, S.C.	Scott
Cooper	Jordan	Smathers
Cotton	Keating	Smith
Curtis	Kefauver	Sparkman
Dirksen	Kerr	Stennis
Dodd	Kuchel	Talmadge
Dworshak	Lausche	Thurmond
Eastland	Long	Williams, N.J.
Ellender	McCarthy	Williams, Del.
Engle	McNamara	Yarborough
Ervin	Magnuson	Young, Ohio
Frear	Mansfield	
Goldwater	Martin	

NAYS—2

Douglas Proxmire

NOT VOTING—17

Beall	Fulbright	Murray
Bridges	Green	O'Mahoney
Butler	Kennedy	Symington
Byrd, Va.	Langer	Wiley
Capehart	McClellan	Young, N. Dak.
Case, N.J.	McGee	

So the bill (H.R. 7176) was passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FREAR. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. Moss in the chair). The question is on agreeing to the motion of the Senator from Delaware to lay on the table the motion of the Senator from Texas to reconsider.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HILL, Mr. ELLENDER, Mr. ROBERTSON, Mr. ALLOTT, Mr. SALTONSTALL, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to announce for the information of the Senate that we will convene at 9:30 tomorrow morning, under the order previously entered. We hope that we may be able to pass the tax extension bill tomorrow; and, if necessary, we will run until late in the evening, at least midnight or later.

The President talked to some of us this evening, and he feels it is very essential to get the bill to the White House at the earliest possible date, so I appeal to Senators on both sides of the aisle to prepare whatever arguments they may desire to make or whatever amendments they may have to offer, in the hope that the majority of the Senate may decide what it wants to do, and send the bill to conference. We know the bill will have to go to conference. We are hopeful that at least during the remainder of the week we can dispose of such dissension as we may have, and send the bill to the White House not later than Monday, in order that the President may have a chance to review it and determine what his position will be.

I want all Members to know that we expect some yea and nay votes tomorrow, or the next day, or the next day, or at least until the bill shall have passed both Houses of Congress.

WHAT IS RIGHT WITH AMERICAN LABOR

Mr. HUMPHREY. Mr. President, on April 25, this body passed by the overwhelming vote of 90 to 1, S. 1555, the Labor-Management Reporting and Disclosure Act of 1959, the Kennedy-Ervin labor-reform bill as amended on the floor of the Senate.

In the period since the Senate took this action, there has been much discussion—in and out of the Congress—about the ultimate fate of S. 1555. Hearings have been concluded before the House Education and Labor Committee. The AFL–CIO has indicated its strong objections to a number of features in the bill. The major business groups have indicated their objections to the bill—objections which are of course quite different from those expressed by labor. The editorial writers of the Nation have been pouring out thousands of words of praise and of criticism of the bill. Labor corruption continues to be a popular issue.

I rise today, Mr. President, not to discuss the merits—or demertits—of S. 1555 or any other legislative proposals. I have confidence that when the legislative process is completed, the 86th Congress will have hammered out a constructive piece of labor legislation.

In this connection I want to pay warm tribute to my colleague, the junior Senator from Massachusetts [Mr. KENNEDY] for the splendid job he has been doing as chairman of the Labor Subcommittee of the Committee on Labor and Public Welfare, for his role in bringing out of committee a sound, constructive, nonpunitive bill, and for his brilliant floor management of that bill. As so often happens in a democratic body like the Senate, that bill went through numerous changes in the course of Senate action. And again, as often happens, some of those changes may deserve a second look after greater study and after their full implications become fully understood.

As we evaluate this legislation, however, and every other item of labor legislation before us, I urge that a simple criterion guide us. Will the proposed legislation help advance a strong, free, independent labor movement?

Legislation, of course, can do only a small part of the total job that is needed to eliminate corruption not only from the trade union movement but from society at large. The AFL–CIO, let it never be forgotten, did not wait for legislation before it acted. Its ethical practices committee was set up before there was established a Senate Select Committee to investigate improper activities in the field of labor-management relations.

Chaired by one of America's outstanding labor statesmen, the president of the International Association of Machinists, Mr. A. J. Hayes, the ethical practices committee developed ethical practices codes which have already done much to meet the challenge of labor corruption. It was violation of these codes that served as the basis for the courageous action of the AFL–CIO in expelling more than one-tenth of its membership. Would that the business organizations of this country or the legal societies followed this example and insisted upon such strict adherence to ethical behavior. I have yet to hear of one lawyer, of the hundreds already cited in the Senate hearings, being expelled from the American Bar Association. I have yet to hear of the chamber of commerce or the NAM expelling a member because of illegal or unethical business conduct.

For 2 years now we have been hearing much about what is wrong with the American labor movement. A sordid, frightening, distorted image of that labor movement has emerged from the hundreds of hearings, the thousands of editorials and cartoons, the countless speeches about corrupt labor officials.

Mr. President, I rise today to discuss what is right with the American labor movement. If there is any area of human behavior where the dog-bites-man formula is true, it is the area of labor relations. How often do we read articles about labor peace? How often are edi-

torials written about honest labor leaders? Is it not true that a $10,000 union contribution to a worthy charity is less newsworthy than a $100 bribe to a cheap crook? How often does a national magazine do a feature story on building tradesmen contributing their weekends to the rebuilding of a school or a hospital destroyed by fire?

But there seems never to be a shortage of front page space or editorial space when a strike is called, or when some violence flares, or when a union official is called before an investigating committee. Now, I do not want to be misunderstood. I think that strikes and violence and labor corruption are worthy of public attention. I think the public should be informed about the issues in a strike, why violence results, which union officials have violated their trust. But the public should also have the full story of what decent, honorable, devoted trade unionists are doing day by day for their fellowmen, for country, and the cause of freedom in a troubled world.

Many of our finest economists, political scientists, sociologists, and philosophers have written at length about the basic meaning and goals of trade unionism. I think that the Hebrew elder, Hillel, many centuries ago, said it all in one brief comment:

If I am not for myself—

He asked—

who will be for me? But if I am only for myself, what am I?

This is the real story of American labor. Working men and women have banded together to further their mutual interests. If they failed to do it for themselves, who would do it for them? But they could not be concerned with their problems alone. If they were only for themselves, what were they?

It is a tragic fact, indeed, that the recent disclosures before the Senate Select Committee on Improper Activities in Labor-Management Relations, in the absence of adequate publishing of the total labor story in America, have led many people to believe that the labor movement is a narrow, selfish, irresponsible force.

Mr. President, when I hear or see the phrase "labor movement," there does not flash through my mind the image of racketeers. That would be as appropriate and as fair as equating America with slums and juvenile delinquency and lynchings. America has those problems, and more, but America also stands for freedom, for achievement, for individual dignity, for opportunity, for decency, for honor, for compassion, and justice.

No, Mr. President, I think of other things when I think of the labor movement. I think of men whose names are recorded in history for their contribution to the growth of the American labor movement; dedicated and selfless men, such as Samuel Gompers, William Green, Philip Murray, Daniel Tobin, Van Bittner, and Alexander Whitney, to name but a few.

Let me recall just a few recent experiences—direct, personal experiences—that make me feel good to be considered a friend of organized labor.

A few weeks ago I attended an unusual dinner here in Washington. Hundreds of people, including dozens of Members of Congress, came to honor a lobbyist, a labor lobbyist. Usually, of course, it is the other way around. They came to pay tribute to John Edelman, the Washington representative of the Textile Workers Union of America.

For 50 years, 20 of them here in Washington, this humble, soft-spoken gentleman had worked tirelessly for the public interest. There has not been a cause—housing, minimum wages, public power, mutual security, civil rights—into which this union representative has not thrown his great talents, his inspiring leadership. Those talents, that leadership could have brought John great personal gain. But he has continued to serve the great public interest—as well as his own membership—as a union representative. And to the eternal credit of his union and its great leaders, Emil Rieve and William Pollock, he was encouraged to perform these manifold services.

For every self-serving person in the American labor movement, there are hundreds of John Edelmans. That is what is right with the labor movement.

It was John Edelman himself, by the way, who more than 30 years ago stated so eloquently the great role which unions could play in our modern civilization:

There are before us vast problems in human engineering—

He wrote—

which cannot be solved in any easy formula, but by the oldest method of all—that of reaching men's heart by a deep, moving, human appeal. Television may speed the sending of pictures, the radio may enable men to hear one another talk across continents, but none of these amazing devices will take the place of the ordinary human contact of the labor union and its activities in bringing about a more enlightened attitude among the masses of men in meeting their fundamental human problems.

In the more than 30 years since John Edelman wrote these words, the labor movement has indeed demonstrated its willingness and its ability to bring about that "more enlightened attitude among the masses of men in meeting their most fundamental human problems."

Union organizations have provided for millions of formerly inarticulate citizens the forum in which to hammer out policies affecting the world in which they live and which their children will inherit. And not only have they hammered out policies, but they have developed techniques and resources for implementing those policies. That is what I find so right about the labor movement. They have made democracy and citizenship and the right to petition a reality to millions of men and women.

I speak from some rich personal experience. Like every politician, I enjoy large audiences, television, press conferences, and enthusiastic applause. But perhaps the most stimulating periods I ever spend are the 20- and 30-minute sessions I have with groups of textileworkers, rubberworkers, steelworkers, machinists, building tradesmen, autoworkers, and communication workers who come to Washington to attend their unions' legislative institutes.

We Members of this great deliberative body do not know what debate really is until we have had to answer the searching but down-to-earth questions put to us by workers who know from firsthand the problems of automation, of unemployment, of old age, of radiation hazards, of slums.

The unions have given their wonderful people a voice. That is what is right about the labor movement.

Only last month I found myself sharing a platform with Mr. William Schnitzler, secretary-treasurer of the AFL–CIO. Both of us addressed the merger convention of the American Labor Health Association and the Group Health Federation of America. In the audience were many dozens of union officials and union technicians involved in the vital work of administering health plans and union hospitals and medical centers, working together with some of the Nation's leading medical and insurance authorities. This was nothing new to me—finding union representatives actively involved with other groups in seeking solutions to America's unsolved problems. Mr. Schnitzler made an eloquent plea for bringing full medical care within the reach of all American families. He spoke forthrightly about labor's right and its responsibility to speak out on this issue on behalf of all Americans. In doing so, he explained simply and effectively American labor's role in the whole area of legislation and community activities. Permit me to quote:

I find it rather amusing—but also distressing—that labor is sometimes attacked, on the one hand, for being a selfish, vested interest, and then, on the other hand—by the very same critics—for injecting itself into issues that are not related only to trade unions and their members, and presuming to speak for underprivileged, unorganized workers.

Well, ladies and gentlemen, American labor does presume to speak for more than its own membership. It does this partially as a matter of simple enlightened self-interest. We believe that what is good for America is good for American labor. In one area after another, it is clear that our own members will improve their lot in life only as all the people in the community improve theirs. There is a limit to the things we can obtain for our own members at the collective bargaining table, although we have by no means reached that limit. The welfare, happiness and security of our people requires sound legislation. It also requires the development of appropriate cooperative and other forms of voluntary organizations designed to promote the general welfare. In all of these aspects of American life, the labor movement plays a constructive role.

There used to be in Washington a small organization called the Peoples' Lobby. That phrase is sometimes used to refer to attempts to realize the vague, undefinable desires of the American people as a whole. But the fact of the matter is that there is no really articulate voice of the people. The closest thing to it is the labor movement. We are happy and proud to serve as a people's lobby. We represent at least 50 million men, women, and children in the families of our members. But in much of our work in Congress, in the State legislatures, in the school systems, in the voluntary organizations—we sincerely believe we speak out for the great bulk of all Americans.

For a hundred years now, no one has worked more vigorously than American labor for free, universal education.

There has been no group more active in seeking improvements in our social security laws.

Although few of our own members qualify, we have fought hard for public housing because we know that slums are incompatible with our free America.

In making these observations, I don't mean to suggest that we have done these things by ourselves. In every one of these activities, we have always been associated with others—groups like those represented at this conference. But we do say proudly that American labor has tried for all these years to use its organized strength in the pursuit of the general welfare.

Mr. President, I say to Mr. Schnitzler and to the millions of American trade unionists that they have a right to be proud, that they have indeed used their organized strength in the pursuit of the general welfare.

That is what I find right with the American labor movement.

As a Member of the U.S. Senate, I can give personal testimony as to what American labor seeks from the Congress of the United States. Labor lobbyists are not coy in expressing labor's goals. Of course, they seek legislation that will permit them to organize and to function with a minimum of Government interference. But labor relations legislation is only a small part of their legislative program—albeit very important.

Labor asks that the Federal minimum wage be increased and that its coverage be expanded. Very few union members need a Federal minimum wage to protect them. Is this narrow self-interest legislation?

Labor asks for improvements in unemployment insurance. Union members would benefit from this, but there are a greater number of nonunion workers who need this additional protection. A growing number of union workers, as a matter of fact, look to union-negotiated supplementary unemployment insurance for their own protection. Do not all wage earners in the Nation deserve adequate protection against the hazards of unemployment?

Labor asks for health benefits for retired people. It asks for higher appropriations for medical research and hospitals and child welfare activities. Are not these desirable social goals?

Labor lobbies for public housing and slum clearance and urban redevelopment. Is this not in the public interest?

Labor seeks depressed areas legislation, help for community facilities, bigger public roads programs. Are these narrow, selfish interests?

Labor supports Federal aid to school construction, better salaries for teachers, liberal scholarship programs. Are not these proper goals for all America?

Labor favors multipurpose river projects and atomic energy development for peaceful purposes and conservation of our natural resources. Should not we welcome such support?

Labor supports programs designed to aid America's farmers, such as REA, and it backs legislation to preserve the family-size farm. Is not this in the best interest of our country?

Labor favors legislation designed to promote a vigorous and healthy climate for small business. Is not such promotion of our free enterprise system in the public interest?

Labor is a strong backer of civil rights legislation, despite the difficulties such support causes in some parts of the country. Is not such support a good thing?

Let me cite another illustration of labor's concern for all who may be in distress. Early this month the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, of which I am a member, conducted hearings on the various proposals which have been submitted by a great number of Senators in the matter of expanding and improving our present surplus food distribution program and the establishment of a food stamp or food allotment system. These proposals have come from agricultural States and from industrial States. They have come from Democrats and they have come from Republicans. I have myself introduced several measures and I have been pleased to join in the sponsorship of some others.

One of the finest statements presented to the subcommittee in support of doing more to feed Americans suffering from hunger and malnutrition was that of Mr. Joseph A. Beirne who, in addition to his distinguished service as president of the Communications Workers of America, is chairman of the AFL–CIO community services committee.

Mr. Beirne told us that our Nation has the resources for meeting the full nutrition requirements of every American:

> We are blessed with a bounty that is the envy of the world—

He said—

> yet it is a fact that there are many of our fellow Americans who do not enjoy a proper diet because of the inadequacy of their income.

And Emil Mazey, secretary-treasurer of UAW and director of that union's Community Services Department, told our subcommittee:

> We have been blessed as has no other nation in history. We have the land, the resources, the genius to produce an abundance of food. All we need is the desire and determination to share this abundance with those in need so that no American will want for a decent and adequate diet.

Here were labor spokesmen appealing to the Congress to do a simple, decent thing. They were concerned not only with the welfare of their own particular membership, but with the welfare of all Americans.

It is this concern with the general welfare that I find so right with the labor movement.

I only wish that this concern was shared by many others—including the leadership of our Federal Government. I was shocked beyond words in the course of these hearings when I heard spokesmen from both the Departments of Agriculture and HEW tell the committee that the administration is opposed to any and all of the proposals now before it. They did not come in and say, "We do not think this bill is exactly right or that bill is precisely right; that is what we would like to see done." All they did was to say, "No action is needed, things are going along quite well as they are." But the records of these hearings have shown conclusively that things are not right, that the program does not reach enough communities, that the foods now available do not constitute an adequate diet, that the costs of the present program are improperly charged to the farm program rather than to welfare. I shall have more to say about this on another occasion. I could not let the occasion go by, however, without paying tribute to the labor movement for its more realistic, more compassionate, more constructive position on this question than I find at the highest levels of our Government.

I could go on and on and detail the many other domestic issues on which, in my opinion, labor has taken a sound position and in which it has tried to be of help.

But I want to move on to another thing that I think is so right with the American labor movement.

On March 26 I introduced Senate Resolution 96 expressing the Senate's backing of our negotiations in Geneva looking to a meaningful, inspection-proof agreement on suspension of nuclear tests. I hoped for early approval of this resolution, an approval which I did get expeditiously and unanimously. It was not a matter on which I expected much public activity. It was particularly gratifying to me, therefore, to receive a telegram from Mr. George Meany, president of the AFL–CIO, expressing support for the resolution and indicating that he had wired every member of the Foreign Relations Committee urging prompt action.

This telegram from Mr. Meany may seem unimportant to future historians of American public affairs. To me, it represents a moving symbol of the alert and conscientious and constructive role which the American labor movement, under the brilliant leadership of Mr. Meany, is playing on the world scene.

The free labor movement of the world has played, and will continue to play, a most important role in the effort to stop the onward rush of Communist aggression. In that movement, American labor has made a major contribution.

It would be very easy, and even understandable, for American labor troubled as it is with its own problems of unemployment and automation, to stay out of international affairs. It could, as it once did, fight to keep all immigrants from our shores and for protectionist tariffs on all imports. It could oppose mutual security and technical assistance and insist that America's own underdeveloped and depressed areas receive these billions of dollars of assistance. But American labor, for the most part, understands the threat of the Soviets. It understands there can be no security for Americans in a world racked with insecurity.

Recently George Meany—who had himself served so effectively as a member of a U.S. delegation to the United Nations—spoke at the occasion of a Four Freedoms Award to Ambassador Lodge. He spoke briefly, but eloquently, about

America's responsibility in the world struggle between freedom and tyranny:

It is hard for other nations to look to America for inspiring and vital leadership when one group of Americans says to another: You cannot enter or eat here. You cannot live or study here. You cannot work or worship here. You cannot stay or play here. In short, you cannot be a free American because the color of your skin, your religion, or land of birth are different from ours.

If we sacrifice the freedom of any American at home, we cannot help save and serve human freedom abroad.

We must guard against the political as well as the atomic fallout of totalitarian dictatorship.

The crisis of our time is grave, indeed. Americans and all other liberty-loving peoples must be ready to make many sacrifices in order to protect and promote freedom. The Four Freedoms were conceived as a call to heroic action against Nazi despotism. Unless we are ready today to make sacrifices for freedom as in the past, we will lose all our freedoms tomorrow.

We must never forget that there are moments when there is no other way to defend our Four Freedoms than by fighting for them. Let us be ever ready and ever strong to preserve human freedom and world peace.

And only a few weeks earlier, Walter Reuther had brought this somber warning directly to more than half a million West Berliners who had assembled on May 1 to demonstrate their solidarity in the face of the most direct challenge by the Soviets since Korea. Walter Reuther thrilled these free Germans—speaking in German, by the way—with his message of friendship and solidarity from American workers.

But, Mr. President, this keen understanding of the world's problems and world's challenges is not confined to public utterances of American trade union leaders. I hold here in my hand a special labor edition of CARE News. The headlines on top of page 1 tell the whole story:

The Underdeveloped Areas: American Unions Are Doing Something Positive About Building Good Will—Gifts of Food and Tools Bring Real Understanding of United States—Humanitarianism and a Sense of Practical Diplomacy Mark Labor's Efforts.

Following these headlines, I find four pages crammed full with stories of American labor support, through CARE, of vital projects in Latin America, in the Mideast, in Hong Kong, in India—wherever there are human problems crying out for help. The plight of the world's refugees has received very special consideration by American labor. And most heartening to me is the report that the bulk of the aid comes not from union treasuries but from voluntary contributions from individual union members.

I read from page 3 of this publication a brief item that sums up the whole significance of this activity:

LETTER FROM HONG KONG

In a letter to the AFL–CIO expressing appreciation for the recent sending of 700 CARE food crusade packages to needy area trade unionists, Fung Hoi Chiu, secretary general of the Hong Kong and Lowloon Trades Union Council stated:

"Your help has a meaning which is more significant and important than its material value, as we look back on the last number of years when we were fighting alone against the overwhelming Communist influence which came directly from across the close border of Communist China."

Mr. President, it is this realistic understanding of our obligations in the world struggle for peace and freedom that I find so right with the American labor movement.

We should be availing ourselves of the talents and know-how of the labor movement to bring to the peoples of other lands a clearer understanding of our country and our way of life.

There should be greater emphasis on the importance of the role of our labor attachés.

We should spare no effort to let other nations know that we are vitally concerned with the problems and the needs of working people. Who is better suited to convey such a message than our own labor people?

I think it would be well if the administration were to spend less time in labor name calling and more time in calling upon labor for its assistance.

I have now spoken at some length about American labor's role in the promotion of the general welfare and its contributions to the international peace and freedom we all seek. I turn briefly now to discuss the tremendous contributions American trade unions have made to the well-being of their own members—and to the development of our very special kind of dynamic, ingenious economic system.

I do not intend to make a record here of the specific economic gains which unions have brought their members. The economics books and history books and Government statistics are available for all to see. From 7-day workweeks and 14-hour workdays down to a standard 5-day, 40-hour week. Improvements in wages to match our ever-increasing productivity. Humane working conditions in factory and mine and mill. Paid holidays and vacations and rest periods. Health benefits and pension rights and life insurance.

Are unions alone responsible for these gains? No; they have had allies in humane employers, in friendly governments, in social welfare groups. In the economic sense, of course, every bit of progress had to be made possible by increasing productivity. But it is a matter of simple record that without the constant push for these gains by the organizations of working men and women very few of these gains would have come about so soon, as fully, or as democratically as they did.

The need for organization to promote the welfare of wage earners was perhaps never more simply nor effectively put than by Chief Justice Charles Evans Hughes in the Jones & Laughlin case in 1937:

Long ago we stated the reason for labor organizations. We said that they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent ordinarily on his daily wage for the maintenance of himself and family; that if the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and resist arbitrary and unfair treatment; that union was essential to give laborers opportunity to deal on an equality with their employer.

To those who say, "Well, protecting labor's right to organize may have been necessary many years ago when employers were insensitive to the need of workers, before there were protective labor laws, before we had such an abundance of wealth," I say that unions are as essential as ever before.

Yes, there are indeed many employers who have accepted unionism and who have accepted the obligation to provide decent working conditions. But in this year of 1959, when the Nation is about to hit a $500 billion national product, there are still millions of men and women toiling for less than $1 an hour. There are union organizers still being attacked by thugs. There are still millions and millions of workers who need, who deserve, who want the protection of honest, progressive trade unionism.

"If I am only for myself" Hillel asked, "what am I?"

Organized workers continue to show that they are not only for themselves. A heavy part of every dues dollar goes into efforts to organize other workers.

It is this concern for all that I find so right with the labor movement.

Within the past month, Mr. President, two items crossed my desk. One was the report of the Sidney Hillman Foundation—set up to commemorate the work of the first president of the Amalgamated Clothing Workers of America, set up by contributions not only from the clothing workers but by the employers in the industry. The other item was a report of the general executive board of the International Ladies' Garment Workers' Union.

These two documents are parts of a related, wonderful story. It is the story of perhaps the most sweated group of industries in America, industries populated 40 and 50 years ago for the most part by immigrants ready and anxious to accept any employment. It is the story of child labor and homework and sweatshops and triangle fires. It is the story of bitter strikes and lockouts.

It is the story of great and patriotic Americans like Jack Potofsky and David Dubinsky, the story, as has been said, of practical men who dared to dream, of dreamers who dared to be practical.

Here is how one keen newspaperwoman described conditions in the clothing districts of New York 40 years ago:

Anyone passing Astor Place at noon would have seen a strange procession—women with burdens on their heads of such size that it did not seem possible that they could carry them. These women were taking home clothes to finish, and in their tenement they and their children, and sometimes the neighbors' children, would work throughout the long hours of the day and late into the night without rest. * * * They scarcely stopped for birth. * * * Babies of 5 and 6 picked bastings. Babies of 6 and 7 sewed on buttons. Little boys and girls would be taught

to use the needle at the age of 8 or 9. When they were 10 or 11 they would be in the shop. There are men and women today working in the trade who would tell you that they never knew what childhood was. All they can remember is sitting in a crowded room sewing and everlastingly sewing.

That was many years ago. Work in the apparel industries is still hard. But there is no more child labor. There is no homework. The 35-hour week is spreading. There are paid holidays and vacations. There are retirement programs. There are union-built cooperative apartments and vacation resorts.

There is a pattern of peaceful collective bargaining in both the men's and women's apparel industries that is a model for all labor-management relations. Small wonder that employers join in honoring the memory of Sidney Hillman. Small wonder that employers come as guests to the convention of the International Ladies' Garment Workers.

It is this great example of labor-management cooperation that I find so right with the labor movement.

All Americans—not just union members—should share the pride with which the general executive board of the Garment Workers could report to its 30th convention:

We have molded a union of great influence and strength out of elements and in an environment that seemed to defy organization: women distracted by the pull of family duties, immigrants staggered by initial disillusionments and language difficulties, employers grappling with each other in bitter competition, an industry running like water downhill to wherever wages are lower, newcomers frightened against joining the union by the threat of losing the sole factory in town. * * *

Let those who dream of a return to an America without unions look to the record. Let them consider what this industry would be like without the ILGWU; then let them match their dream with the record of the era of the sweatshop. Let them consider what this Nation would be like without its great organized labor movement. Then let them match their dream to the record of workers in the enslaved Communist countries.

And then the report says what it so very much has the right to say of its own union, but which can also be said by the labor movement as a whole:

Every gain won by garment workers has made the garment industry—all persons and factors in it—a better industry. Every gain won by the trade unions of this land has made this Nation—all in it, employers as well as workers—a better country to live in. We have not lived unto ourselves alone. Out of what we have gained we have reached out to help the less fortunate at home and abroad.

Mr. President, much of what the unions of America have done for their members and for others can be measured statistically. Wages increased, hours reduced, pensions granted, contributions to charity, CARE packages to refugees abroad. But perhaps the major contribution of all has no dimensions; it cannot be measured in dollars, in time, in size. It is that intangible thing that makes everything else in life shrink to nothingness. It is what unions have done to enhance the dignity, the spirit, the personality of the individual.

I know of no better way of stating this than to tell a story that Walter Reuther loves to tell. Some time ago, a local of the UAW was celebrating its 20th anniversary. Reuther was invited to make the major address. At the conclusion of the affair, an elderly worker came over to Reuther, and spoke to him in heavy Polish accent.

"You know, Walter," he said, "I listen to your speech tonight. Everything you say is OK. I know how much the union do for me. What you say about big increase in wages is right. What you say about hours and pension and seniority, sure, it's true. But, Walter, you know what the union really means to me? Twenty years ago when I come to this shop, everybody call me 'dumb Pollack.' Now they call me 'Brother.'"

This is the way a UAW member put it. Many, many years ago, the Apostle Paul said it another way: "Be ye members one of another." This is what unions have done for millions of men and women. It has brought them together, made them members one of another, given them common tools for common goals. And as they gained strength through unity, each gained the strength to speak up for himself, to talk back when necessary, to complain when aggrieved.

Unions have strengthened the democratic process by giving this voice to millions of individuals. The public hears about it when James Carey challenges General Electric; when W. P. Kennedy or H. E. Gilbert negotiate with the railroads; when William Doherty or George Harrison testify before congressional committees, and when James McDevitt discusses political action.

But what is even more important for the cause of democracy itself is that every day of the year literally thousands of men and women are speaking out for their fellow workers. I am thinking of the shop stewards, the grievance committees, the negotiating committees, the local executive boards. This is industrial democracy in action.

During the past weeks we have seen this industrial democracy operating in the steel industry. The negotiations have been unproductive thus far. Charges have been hurled by both sides, but it is all part of the great American system of collective bargaining.

Although most of the sessions thus far have been attended only by a handful of union officials, I have been impressed by the pains which Steelworkers Union president, Dave McDonald, has taken to keep his people informed and to obtain their concurrence in every major step taken. Mr. McDonald has managed to take time out to meet with hundreds of his local leaders, has appeared on television and on radio to discuss the important issues with his membership, and he has seen the wisdom and the public responsibility in taking his case to the American people generally. And in doing so, he has forced the industry itself to explain its own position.

I am certain that in the long run this public debate will serve the public interest, and for this I salute Mr. McDonald.

In many ways, Americans who got their first training and their first call to public service while serving their trade union have performed constructively and conscientiously for the public interest. As labor attachés, as technical assistance specialists abroad, as directors of health groups and cooperative housing, as members of boards of education, and in almost every aspect of public work, they have made outstanding contributions. Here in the Congress, too, they have done much to bring credit both on the unions from which they come and to the Congress itself.

For over 4 years now I have been pleased to have the friendship, the guidance, and the cooperation on many an issue of the senior Senator from Michigan, PAT MCNAMARA.

In the House a number of Members have given outstanding service to the Congress. JOHN FOGARTY, a former bricklayer, has become the outstanding House authority on health and welfare matters. He has served with distinction on numerous occasions in international conferences in the field of health research.

And there are many other distinguished Members of the Congress who have a background in the labor movement. From my own State of Minnesota there is ROY WIER and JOSEPH KARTH. From California, JOHN SHELLEY and JEFFREY COHELAN. From Pennsylvania, GEORGE RHODES and ELMER HOLLAND. From Illinois, ROMAN PUCINSKI, and there are doubtless others I have not mentioned who have at one time or another held union cards and played a part in the great American labor movement.

Mr. President, I have risen today to say some things about the labor movement that I believe deeply. There is nothing new or profound or especially controversial in what I have said.

In the heat of debate over some specific legislative proposals, I fear, or in the midst of exposés of wrongdoing in the labor movement, these basic truths about the labor movement tend to be overlooked.

These truths must not be overlooked. The value of a free, honest labor movement must always be remembered. As we take steps to help the labor movement prevent and correct abuses which have crept into it, let us take great pains not to hurt the labor movement itself, not to interfere with the progress which it has made for itself and for all America.

Mr. President, in case it has not been made abundantly clear by my remarks so far, I am pleased to be considered a friend of labor. I like to be considered prolabor just as I like to be considered propeople, propeace and proliberty, profree enterprise, and proreligious. I find myself in mighty good company. It was a Republican President, Abraham Lincoln, who said:

The strongest bond of human sympathy outside the family relation should be one uniting working people of all nations and tongues and kindreds.

And he said, too:

All that serves labor serves the Nation. All that harms is treason. If a man tells you he loves America, yet hates labor, he is a liar. If a man tells you he trusts America, yet fears labor, he is a fool.

And another Republican President, Dwight Eisenhower, said:

Only a fool would try to deprive working men and women of the right to join the union of their choice.

And it was Franklin Roosevelt, during whose first administration the Wagner Act was passed, who said:

If I were a worker in a factory, the first thing I would do would be to join a union.

There are 18 million Americans who have banded together in unions. They believe in their unions. They have sacrificed for their unions. Some of their unions may temporarily be in the control of unsavory elements. But sooner or later, and with the help of laws which we adopt here in the Congress, those relatively few unions will be restored to honest leadership. Let us work hard to help these decent, law-abiding Americans protect and strengthen their unions.

Mr. President——

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from Minnesota.

THE WORLD REFUGEE YEAR

Mr. HUMPHREY. Mr. President, on July 1 we will begin our observance of World Refugee Year. In doing so we will partially fulfill the obligation we incurred in cosponsoring with eight other nations in the United Nations a resolution calling for this observance. We are also obliged to achieve, as best we can, the goals of World Refugee Year. These are: First, to focus attention on the many refugee problems; second, to encourage additional financial contributions from governments, voluntary agencies, and the general public; and, third, to encourage additional opportunities for permanent solutions to refugee problems through voluntary repatriation, resettlement or integration.

Heretofore, I have called the attention of my colleagues to the refugee problem which begs for a solution and to activities in connection with the United States' participation in World Refugee Year.

Therefore, I am happy to recommend at this time an excellent article entitled "The World Refugee Year," written by Dr. Francis B. Sayre, Jr., dean of the Washington Cathedral, and published in the June 10 issue of the Christian Century, an undenominational weekly publication.

Dr. Sayre is well informed and qualified to speak on the subject of refugees. His experiences as a world traveler, as chairman of the U.S. Committee for Refugees, and as a cleric constitute a vast reservoir of information on this perplexing problem well worth our tapping. In his account of the history, background, and aims of World Refugee Year, Dr. Sayre observes that "the first and primary fact concerning the refugee problem therefore is that it is a worldwide problem, and that it is not merely humanitarian in nature but often involves and underlies all other major problems of international life." This is the challenge we inevitably face. I certainly join Dr. Sayre in the hope that the solidarity between peoples and nations can soon be cemented.

Mr. President, I ask unanimous consent to have the article on World Refugee Year, by Dr. Sayre, printed at this point in the RECORD.

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

THE WORLD REFUGEE YEAR

(By Francis B. Sayre, Jr.)

(The chairman of the U.S. Committee for Refugees presents an account of what has been done and what remains to be done in confronting needs of refugees around the world.)

Most Americans have approached the refugee problem only from the receiving end. There is hardly a clergyman in the church who is not familiar with the often difficult problem of settling foreign families who come to our shores seeking a new life.

Immigration of refugees has generally been arranged through a pattern of partnership between Government and private (usually church) groups. Since 1938 countless church people have given time to finding homes, jobs, clothing, and friends for new Americans. It has been the Government's role to screen them before they came and to help with transportation on the way; but it has remained for private groups, chiefly religious, to find sponsors for the refugees so that they would not become a public charge and to undertake the responsibility of actually settling them in what are for them new communities.

From 1937 on a steady stream of refugees has come to our shores. At first they were largely Jews fleeing from Hitler's Germany. Following World War II they were the enormous number of displaced persons uprooted by the great conflict. Since then they have in the majority of cases been persons fleeing from totalitarian Russia or its satellites (e.g., the recent Hungarian fugitives) or, in a minority of cases, from economic hardship or actual starvation (e. g., the Mexican "wetbacks" escaping across the Texas border from a land of too many children and too little food).

A CLAIM TO THE WORLD'S ATTENTION

In the past few years, thanks to the freedom which the deanship of a nonparochial cathedral gives me, I have crossed the ocean to witness at firsthand the beginning of the long process through which a refugee person or family passes on the road from an old home to a new one.

The whole refugee problem appears in a piercing new light when one stands at one of the borders across which multitudes of people stumble toward what they hope will be freedom. There they are gathered into camps, sorted out as to occupation and skills and their own wishes, fed and housed, their medical needs inventoried, and finally matched up with opportunities for settlement which may be open in various parts of the world. Through their appropriate agencies the churches reach out to help in this process.

At a conference on the refugees held in Washington last fall, the State Department's troubleshooter, Under Secretary Robert Murphy, made a remarkable address in which he pointed out that the refugees not only represent a poignant claim on the world's sympathy but also are a serious economic and even military problem for the nations. It is obvious, he said, that when 30 million human beings are pulled up by the roots and condemned to live in misery and uncertainty for long periods, a condition is created which must be reckoned with even on the august levels of foreign policy. Unrest and unhappiness are always a potential crucible of political disturbance, and the accumulated dangers can well affect the destiny of extensive portions of the world.

Lebanon, on the eastern shore of the Mediterranean, is a case in point, which Mr. Murphy cited. That little land happens to be divided so evenly between Christian Arabs and Moslem Arabs that its constitution provides that if the president be Islamic, the premier must be Christian. Politically Lebanon exists always in a precarious state of delicate equilibrium. Ten years ago the Arab-Israeli war projected refugees, largely of Moslem faith, into all corners of the Middle East. A hundred and twenty thousand of them went north to Lebanon. Their advent upset the delicate balance, and consequently Lebanon has ever since been in a condition of political uncertainty leading to riots, murders and the like. This unrest came to a head just at the time Nasser was taking over Syria, seemingly with the blessing of Communist Russia, and the whole Middle East was in danger of being alienated from the West. With a revolution going on in Iraq and with fighting a daily occurrence in Lebanon, it seemed to the U.S. Government that if the West was to preserve any foothold at all in that part of the world, troops would have to be landed. This was the reason U.S. marines descended upon Beirut.

The sequence of these events, declared Mr. Murphy, illustrates how directly the underlying human problem of refugees can affect the economic and even the military policy of great nations like our own.

NO DIMINISHING NEED

The first and primary fact concerning the refugee problem, therefore, is that it is a worldwide problem, and that it is not merely humanitarian in nature but often involves and underlies all other major problems of international life.

This fact is further accentuated by a look at the great number of refugees in the world—well over 30 million in the few years since the end of World War II. Consider first the picture in Europe: West Germany alone (thanks to a booming economy) has absorbed 12 million national and ethnic Germans from East Germany and former German territories. Add to these in Europe alone the more than 200,000 Hungarians who came out 2 years ago; the steady flow of Yugoslavs, now amounting to at least 60,000, who have fled both Tito's version of communism and a strained economy; the 175,000 Turks (1950–52 figures) who escaped to Turkey from their former homes in Bulgaria. The majority of all these refugees have now been settled. However, Dr. Auguste Lindt, the United Nations High Commissioner for Refugees, estimates that there are still roughly 130,000 refugees in Europe, 30,000 of them in camps, the rest but poorly settled if at all.

Moving over to the Middle East we run into the most insoluble of all the refugee problems: that of the Arabs—933,000 of them, according to a United Nations estimate, though an accurate count is difficult to arrive at—who formerly lived in Palestine and today, a decade later, are still quartered in camps of the most primitive sort in Jordan, Syria, the Gaza Strip, Lebanon, and Iraq. The ever-growing hatred between Israel and the Arab nations makes it difficult to conceive what final disposition may be found for these miserable thousands.

CRUCIBLE OF UNREST IN THE ORIENT

Moving eastward, we come to the economically struggling lands of Pakistan and India. When India was divided in 1947

there was a stupendous exchange of populations, 8 million Hindus and Sikhs leaving their homes in the newly created nation of Pakistan to cross the border into India and 6½ million Moslems making the reverse journey. These could properly be classed as refugees. But an Indian personage recently said, "We don't know what to do specially for our refugees, for they are indistinguishable from the other millions of beggars in our country."

In the Orient, the oppressive regime in Red China has forced the patient and family-loving Chinese to flee in every direction. Today 400,000 of them are to be found in Vietnam and 1 million in Hong Kong—the latter in a most pitiable condition although the Hong Kong government is making a heroic effort to house and employ all of these people, who have more than doubled the population of that colony of the British crown. There are other groups to be counted: 750,000 North Koreans now doubling up in the already crowded houses of South Korea, and 750,000 Indo-Chinese from Vietminh who have gone to Vietnam.

Each day's newspaper brings word of additional groups of refugees swelling the total. No one has yet counted the people who have fled the French in Algeria and are now being fed by the World Red Cross in Tunis and Morocco. Recently Rumania began a systematic expulsion of all Jews, a process that for the moment has abated. One reads of Koreans living in miserable conditions in Japan who are imploring the world to make it possible for them to return to their homeland. The most recent refugees are, of course, the Tibetans, but as yet no one knows how many of them have been pushed across the mountain barrier into northern India.

These then are the human chaff blowing around the globe, claiming humanity's sympathy in their unhappiness and threatening with their need to shatter the complacent peace of men and nations who simply want to keep things as they are. Think of the Dalai Lama multiplied 30 million times and you get a picture of the immensity of this human problem.

HELP FROM INTERNATIONAL BODIES

What agencies and powers are there which address themselves to the amelioration of this problem? At the top are two major international bodies. These are the successors of a single organization, the International Refugee Organization, which after World War II did an enormous job of settling the largest share of the old DP's. When the mandate of the IRO expired, part of its work was assumed by the United Nations, which set up a high commissioner for refugees (a post at the present time held by Dr. Auguste Lindt of the famous Swiss chocolate-making family).

It was clear, however, that the U.N. could not do the whole job, because Russia, one of its key members, had no interest in helping refugees, almost all of whom were fugitives from her own political sphere. Hence there was need for an organization outside the U.N. which could operate without the threat of a Russian veto. Thus was born the Intergovernmental Committee for European Migration, whose 28 member nations include both the countries of first asylum and the countries in North and South America, as well as Australia and New Zealand, to which they are finally allocated for settlement. Roughly, the work for refugees is divided between these two organizations in the following way: The U.N. High Commissioner sees to the care and feeding of the refugees in Europe (another U.N. organization, UNWRA, does the same job in the Middle East), and ICEM is charged with transporting the refugees and finding opportunities for their ultimate settlement.

PRIVATE AGENCIES INVALUABLE

Independent of the two international organizations but working closely with them are the world agencies of the three major religious groups, Protestant, Catholic, and Jewish. In the case of Protestants this agency is the World Council of Churches, whose relief arm in the United States is known as Church World Service. These private agencies operate branches in all countries affected by refugee problems. They raise money and generally assist in the whole operation. Their chief responsibility, however, is the actual settlement of refugees at their final destination.

A third instrument for attacking the problem is the several governments involved. The most important of these is the U.S. Government, which last year, in addition to substantial contribution of surplus food and commodities, spent approximately $50 million to help refugees. This sum is administered partly by the Office of Refugee and Migration Affairs and partly by the so-called U.S. escapee program. The two offices are closely linked in the State Department, through which grants are made to the U.N., to ICEM, to the international religious agencies, and to many smaller groups, such as the Tolstoy Foundation and the American Friends Service Committee. Though the sum varies in different instances, it would be accurate on the whole to say that the United States contributes between 40 and 60 percent of all funds devoted to the alleviation of the world's refugee problem.

Of immediate concern to us all is the fact that the nations of the world have agreed to designate the year beginning this July as World Refugee Year. This action adopted by the Assembly of the United Nations was implemented at a recent meeting in Geneva of representatives of the free nations of the world. It means that a very special effort will be made in the next months to make a major impact on the refugee problem, even though it is too much to hope that the problem can be entirely liquidated.

It is interesting to note how this idea began. The man who started it all is Chris Chataway, the famous English runner who paced Roger Bannister to the first achievement of the 4-minute mile. About a year and a half ago he wrote an article urging the people of the world to have a "human year," following the International Geophysical Year. The article came to the notice of leaders in England, who in turn urged the wisdom of Chataway's idea upon the British Government. It met with hesitation at first and then with enthusiasm. Having gained U.S. support, the British put it up to the U.N. Assembly, which just after Christmas 1958 endorsed the whole idea. Since then national committees have been formed in many member nations to implement the program.

ONE GREAT YEAR OF CONCERN

Anticipating the U.N. action, a national committee (of which I have the honor to be chairman) was formed in this country last October. It is the intention of the American committee to serve not only during the World Refugee Year but to be a continuing group which will be concerned with the continuing problem and able, I hope, to offer useful advice to the Government and leadership to the American public.

During the last few months there has been a good deal of discussion as to what the U.S. special contribution to the World Refugee Year should be. The sights set by the present administration are not as high as those of our citizens' committee. Between the hopes of the committee and the achievement of them, therefore, lies a certain amount of political education and arduous planning. Whatever the final result, it will be the product of a kind of three-cornered discussion between the administration, Congress, and our citizens' committee, which also includes representatives of the three major religious agencies. At present, I have reason to hope that a special contribution by the United States, over and above its normal activity, will make a genuine impact on the whole problem. There is even the possibility that with sufficient funds and additional visas to the extent already envisioned by some officials, the entire refugee problem in Europe can be wiped out in the course of the year.

In other parts of the world the most we can hope for is a good program of vocational training for the 200,000 children born in the Arab camps (among the million Arab refugee, half are under the age of 15) who must somehow be prepared for life wherever they live it. In Hong Kong the magnificent efforts of the local government must be supplemented by some real help from the outside. The British committee is prepared to give some of this help, and we hope Americans will give the rest. The problem in Hong Kong is first of all housing, and this is difficult since the city is built on the edge of cliffs that descend steeply to the sea. For every inch of flatland to build on, solid rock has to be hewn out and filled into the sea. Elsewhere in the world there are all sorts of special needs—for instance, the desperate need for clothing in frozen Korea and for food for the Algerian refugees in Tunis and Morocco.

SET THE COFFEEPOT BOILING

Recently I was taken to a little village in France where an Albanian family had been settled. In faith they were Moslem, in number 19, counting all the grandchildren. They had fled to Yugoslavia, been imprisoned there, escaped and finally made their way to Italy, whence they came to France. There they were settled by CIMADE (the French Protestant relief agency), with the help of the U.N. and of U.S. funds. Now they were all living happily in a prefabricated barrackslike house. I found them squatting contentedly on the oriental rugs which the women had made. The old grandfather, the head of the family, was an imam. When he saw my clerical collar as I walked up the muddy path to his home he came out in his turban and welcomed me with a toothy smile as his colleague. Then he sat down while the women brewed me some Turkish coffee, which in his happy view would cement the solidarity between two men of God and between his people and our people.

We certainly have need of plenty of that Turkish brew in the world. Surely we owe it to mankind to get out the coffeepot and start it boiling during this World Refugee Year.

THE PASSPORT PROBLEM

Mr. CASE of South Dakota. Mr. President, my distinguished colleague from South Dakota, Senator KARL MUNDT, has introduced legislation of a most comprehensive nature dealing with the Passport Office.

In brief, my colleague's bill would raise the status of the Passport Office by establishing it as the U.S. Passport Service.

The action of Senator MUNDT in outlining a comprehensive plan to replace outmoded ideas and to eliminate outdated operations of the Passport Office is to be commended as a constructive, progressive approach designed to meet the needs of the space age in which we find Americans in every walk of life traveling abroad.

Mr. President, I am hopeful that my colleague's proposal will receive early consideration, for there is no question in my mind that earnest inquiry by the Senate will demonstrate the necessity for legislation of this type.

Mr. President, I ask permission to have printed in the RECORD, following my remarks, an article from the Washington Star of Sunday, June 21, which discusses the importance of this proposal.

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

DANGERS ARE IGNORED—PASSPORT BILLS GETTING NOWHERE

(By Miriam Ottenberg)

Exactly a year ago the Supreme Court ruled that the Secretary of State could not refuse a passport to a Communist because Congress had never specifically given him the right to refuse.

Stunned by a decision that overruled a century-old concept of the Secretary's power over passports, the State Department rushed proposed legislation to Congress.

And President Eisenhower urgently indorsed the legislation in these words:

"Each day and week that passes without it exposes us to great danger."

We are still exposed.

By the latest count, 1,100 persons whom the Department has reason to suspect have applied for passports since the Supreme Court decision. And the passports have been granted.

A MULTITUDE OF BILLS

Congress failed to plug the loophole in the law at the last session. So far in this session 21 bills have been introduced in the House and four have gone into the Senate hopper. The bills have been assigned to six different committees.

Not one has come out of committee.

Various reasons have been given for the delay. The one heard most frequently is that other bills—particularly foreign aid measures—have had priority. Another is that Chairman FULBRIGHT of the Senate Foreign Relations Committee has served notice that he wants his committee to handle any passport legislation. It was in this committee that a House-passed bill died in the last session.

It has also been mentioned that the administration has not sent its own bill to Congress. Last week, the Senate Foreign Relations Committee sent the State Department a letter asking its intentions. The State Department still wants the bill it tried and failed to get last session codifying all passport laws and regulations. But in a letter cleared through the Budget Bureau it has made clear that a bill introduced on May 7 by Representative BENTLEY, Republican, of Michigan, would be acceptable to take care of the immediate problem.

The Bentley bill starts out by terming the activities of the international Communist movement "a clear, present, and continuing danger to the security of the United States." It authorizes the Secretary of State to refuse or revoke passports to persons engaged in the international Communist movement. And it sets out detailed procedure for passport denial and appeal. In other words, like most of the other pending bills, it is limited to granting or denying passports to Communists.

SENATOR MUNDT'S BILL

The latest entry in the passport race is the most comprehensive one. It was introduced on June 3 by Senator MUNDT, Republican, of South Dakota. It stems from the simple recognition that while the Communist problem is the most pressing, it is one of many areas of the multi-million-dollar passport business not covered by any specific law.

Basically, the right of the Secretary of State to issue passports goes back to a law passed in 1856. Records indicate that the Secretary had been issuing passports long before that but the law was considered necessary to make it clear that passports issued by States or judges were no good.

In 1926, the law was brought up to date for that time but was no more specific. It said the Secretary should operate under rules prescribed by the President.

With the passing years, two things happened. First, passports became big business. Where 176,033 passports were issued or renewed in 1926, the annual figure had reached 676,898 in 1958. This year, 750,000 Americans are expected to ask for passports for oversea travel in the biggest travel spree of all time.

While the passport business was booming and the Government was struggling with regulations, the Communists launched their offensive against the security policies of the Government.

Paralleling the attack on the passport policies were attacks on port security, Government employees' loyalty, the industrial security, and the visa programs.

And on passports, the Government was vulnerable for lack of legislative authority which it had always been assumed was implicit.

Court decisions began raining down. The first restriction on the free exercise of the Secretary's discretion came in 1952 in the case of Anne Bauer, a journalist overseas who was alleged to be a Communist sympathizer. The State Department revoked her passport. The court of appeals here held that the Department had no authority to revoke it without notice and a hearing. The court directed that the passport be returned to Miss Bauer or that she be given a hearing. The showdown never came because Miss Bauer lost her citizenship by marrying a Frenchman and staying overseas.

But the then Secretary of State Acheson hastily drew up a set of regulations to specify procedures for withholding passports and for appealing from decisions of the Passport Office. These regulations were enlarged in 1956 and the Government became increasingly cautious about protecting individual rights.

Ironically, as passport officials narrowed the field of passport denials and made the appeal machinery more elaborate, the attacks on any travel restrictions became more vociferous.

The Communist plan was described before a Senate committee as an effort to force the intelligence agencies to reveal confidential information. But journalists who couldn't get permission to go into Red China and advocates of individual liberties who balked at any restraints on freedom of travel joined the fray. The American Civil Liberties Union has challenged the State Department's power to ban reporters' travel and the Americans for Democratic Action have fought passport legislation.

The journalists finally did get permission to go to Red China under criteria set up by press officials of the State Department. Of the more than 30 news agencies given permission by the State Department to send in a correspondent, Red China has offered its hospitality to only one.

FREEDOM OF TRAVEL

On the question of restricting freedom of travel, the State Department reports that it has withheld passports in only 15 Communist cases since Secretary Acheson issued his 1952 regulations.

But on June 16, 1958, the Supreme Court lowered the boom. The Court by a 5–4 decision, held that the Secretary of State, in peacetime, cannot withhold passports to applicants whom he believes are linked to communism and who refuse to swear they are not Communist. It held that the three applicants were entitled to passports.

The majority opinion made it clear that it was not settling the issue on constitutional grounds. It simply found that the Secretary did not have the statutory authority to withhold the passports.

Soon after the Supreme Court acted, the late Secretary of State Dulles sent the administration's bill to Congress. He said in part:

"The international Communist movement seeks everywhere to thwart U.S. foreign policy. It seeks on every front to influence foreign governments and peoples against the United States and eventually by every means, including violence, to encircle the United States and subordinate us to its will. The issuance of U.S. passports to supporters of that movement facilitates their travel to and in foreign countries. It clothes them when abroad with all the dignity and protection that our Government affords. Surely our Government should be in a position to deny passports to such persons."

FLOOD OF APPLICATIONS

But Secretary Dulles' plea was—and still is—unanswered. The result?

John W. Hanes, Jr., Administrator of the Bureau of Security and Consular Affairs, recently reported "A flood of applications (for passports) from persons with records of Communist affiliation or activities. Some of them had previously been denied passports, but many had never previously applied. Many we know a great deal about, and none of it is good. Others we would like to know more about, but the Department of State is no longer in a position to inquire, much less investigate, whether any such applicant is a Communist Party member or how dangerous he may be."

Mr. Hanes made a distinction between a known courier and a "harmless fellow traveler." He reiterated this point that the Department has been making since last June:

"We do not seek statutory passport authority to stifle criticism of this Government or its policies. We do not believe that the passport should or can be used to restrict the movement of people who hold political, social, or economic opinions which are not of the orthodox American variety.

"We do not seek or want authority to deny passports to any whose travel or activity abroad is merely an embarrassment to our country. I believe that the United States is strong enough to survive embarrassment if we must.

"All we seek, and what I feel we must have, is the capacity to protect ourselves by denying passports to those relatively few hardcore, active Communist supporters who are not ordinary American citizens and whose travel abroad constitutes a danger to the United States."

DUCKING THE IRON CURTAIN

Mr. Hanes pointed out that success in preventing entry of Communist couriers, carrying money and instructions to this country, becomes hollow if American members of the Communist apparatus can travel freely out of the country. Likewise, the successful penetration by intelligence agents into the Communist underground in this country, he pointed out, becomes less useful if those under surveillance can duck under the Iron Curtain.

The argument has frequently been raised that there's no point in denying passports to American Communists who can go without passports to Latin America and gain illegal passage to their ultimate destination. Mr. Hanes conceded that was true, but he argued that few important members of the apparatus used this roundabout route in the

days when passports were being denied—possibly because the more devious the route, the more conspirators have to be brought into it and the more the chance that the conspiracy can be unveiled.

Many of those who have rushed to get passports have shown no inclination to use them immediately. This may be because they fear Congress will shut the door again at any time. Or it may be because the Communist bosses hope to provoke the State Department into pulling a boner. Or it may be that the Communists have other uses for these passports.

During the Spanish Civil War, Communist leaders collected passports of the several thousand Americans in the International Brigade and the bulk of these passports turned up in Moscow. So many American passports were collected that way that the United States had to replace every outstanding passport in the world with a new document.

Who are getting the passports? There are the lower level Communists whose one hour of fame is an appearance before a congressional committee where they automatically plead the fifth amendment.

There are also people like this:

William Lorenzo Patterson, general manager of the weekly Communist newspaper, The Worker. In 1950, visiting fellow Communists in Hungary and Czechoslovakia, he gave interviews to the press in which he accused the United States of using germ warfare in Korea and repeatedly advocated the overthrow of the Government. In 1952, he made a speech in New York urging listeners to write American soldiers in Korea and incite them to go to the other side.

Maurice Halperin, identified by Elizabeth Bentley as a member of a wartime espionage ring. After pleading the fifth amendment in 1953, he went to Mexico. A news story from there in 1957 said he had facilitated the flight of Alfred and Martha Dodd Stern, who were charged by this Government with espionage and are still behind the Iron Curtain.

Marcel Sherer, a charter member of the Communist Party and a principal officer in the Communist movement.

Paul Novick, a Communist Party member since 1923 on the editorial staff of the Morning Freiheit, the Communist daily in the Yiddish language.

Albert E. Kahn last week was identified in a Senate Internal Security Subcommittee report as a leading American Communist specializing in anti-American and pro-Russian propaganda. Among other charges, Mr. Kahn was described as the author of works "used by the Chinese Communist army in Korea for the purpose of brainwashing captured American troops."

BAR ASSOCIATION STUDY

Men like these presumably would fit even under the broad rules advocated by such groups as the special committee of the New York City Bar Association, which made a study last year of freedom to travel.

The bar group declared that American citizens should be free to travel abroad with a minimum of Government restraint, that the regulations in effect before the Supreme Court overturned them seem inadequate to support the deprivation of the right to travel and that the procedures by which passports have been denied provide insufficient protection to the individuals.

So, the bar group called for congressional clarification of passport policy—thereby reaching the same conclusion as the administration but by a different route.

Senator MUNDT's bill grew out of a long study by the staff of the Senate Committee on Government Operations. It has two major goals: To raise the status of the Passport Office to the U.S. Passport Service and to give assurance to the just and unjust alike as to just what the rules of the game are.

It gives legislative authority to present procedures which are now a matter of discretion by the Director of the Passport Office and the Secretary of State and could be changed by the next incumbents in these positions.

In establishing the proposed U.S. Passport Service under the immediate jurisdiction of the Deputy Under Secretary of State for Administration, it takes passport operations out of the Bureau of Security and Consular Affairs. Right now as an office within a bureau, the passport business operates on the fifth echelon of the State Department—that far from the policymaking top in a business where policy decisions must be made daily.

Senator MUNDT said the passport business in these days of prosperity and mass travel is too big to "be handled like it was in the days of the quill pen and the ink bottle."

In addition to dealing with the Communist question, the bill specifies other conditions under which passports may be withheld. These range from persons under indictment to persons who owe the Government money for their ride home. Right now, they are denied passports under a regulation which bars passports to persons whose activities would be "prejudicial to the interests of the United State," but there's no statutory basis for it.

The Mundt bill would require the passport director and employees of the office to be civil service employees, thus assuring that they would not get into the rotation of foreign service employees.

The bill, like some of the others but in more detail, sets forth the procedures to be followed and the appeal machinery where passports are denied or revoked. Most of these procedures are being followed today but without statutory base.

The bill also extends the life of the passport to 5 instead of 4 years, allows air crewmen to get free passports as seamen already do and—for the first time—specifically defines what a passport is.

The bill also authorizes the Secretary of State to restrict travel in areas where hostilities are threatened or where the Government cannot protect them.

The State Department's travel-restriction actions have been almost as controversial as its denial of passports to hard-core Communists.

On June 9, the court of appeals here upheld the Department's rights to set aside Communist-controlled areas in which Americans are forbidden to travel. The court said this falls within the power of the President to conduct foreign affairs.

But, William Worthy, the newspaperman involved in the case, said he would carry it to the Supreme Court.

The bill would give congressional approval to the Secretary's right to circumscribe areas of travel. As Chief Judge E. Barrett Prettyman said in his Worthy opinion: "A blustering inquisitor avowing his own freedom to go and do as he pleases can throw the world international neighborhood into turmoil."

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 24, 1959, he presented to the President of the United States the following enrolled bills:

S. 498. An act to extend the life of the Alaska International Rail and Highway Commission, and to make a change in the membership of such Commission; and

S. 1968. An act to strengthen the wheat marketing quota and price support program.

ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, under the agreement previously entered, I move that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 45 minutes p.m.), under the order previously entered, the Senate adjourned until tomorrow, Thursday, June 25, 1959, at 9:30 a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 24, 1959

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Joshua 24: 14: *Now therefore fear the Lord and serve Him in sincerity and in truth.*

Almighty God, who hast created us in Thine own image and called us to walk with Thee; in this moment of prayer, we are not asking for tasks more suited to our strength but for strength that will make us equal to them.

We are coming unto Thee, with hearts full of praise but also with penitence for we are haunted by the memory of duties neglected, of deeds of kindness left unperformed and of lofty impulses unheeded. Give us now that peace which comes from pardon.

Grant that when we are beset by stern conflicts and seem to be the victims of a conspiracy of wicked circumstances we may have a vivid sense of Thy presence and companionship by which alone we can be victorious.

May we never shun or shirk any responsibility or fall below the measure of the manhood and womanhood of those, who in days gone by, feared life so little because they feared God so much.

Hear us in the name of the Captain of our Salvation. Amen.

The Journal of the proceedings of yesterday 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 joint resolutions of the House of the following titles:

On June 11, 1959:

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;

H.R. 5805. An act making appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1960, and for other purposes; and

H.J. Res. 254. Joint resolution to authorize participation by the United States in parliamentary conferences with Canada.

On June 15, 1959:

H.R. 7007. An act to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses,

research and development, construction and equipment, and for other purposes.

On June 23, 1959:

H.R. 318. An act to authorize a revision of the boundaries of the Edison Laboratory National Monument, New Jersey, and for other purposes;

H.R. 1306. An act to provide for the sale of Columbia Basin project lands to the State of Washington, and for other purposes;

H.R. 1471. An act for the relief of Jim B. Hill;

H.R. 1711. An act for the relief of the Galveston, Houston & Henderson Railroad Co.;

H.R. 2044. An act for the relief of the estate of Richard Anthony Nunes, Jr.;

H.R. 2154. An act to authorize the Secretary of the Interior to acquire certain additional property to be included within the Independence National Historical Park;

H.R. 2289. An act for the relief of Mrs. Gertrude E. Shetler;

H.R. 2586. An act for the relief of Miss Mame E. Howell;

H.R. 3292. An act to amend title 10, United States Code, to authorize the Secretary of the Navy to furnish supplies and services to foreign vessels and aircraft, and for other purposes;

H.R. 3366. An act to authorize the extension of loans of naval vessels to the Governments of Italy, Turkey, and the Republic of China;

H.R. 3454. An act to disclaim any interest on the part of the United States in certain lands in the State of Colorado, and for other purposes;

H.R. 3495. An act to direct the Secretary of the Interior to administer certain acquired lands as revested Oregon and California railroad grant lands;

H.R. 3496. An act to revise the boundaries of the Kings Mountain National Military Park, S.C., and to authorize the procurement and exchange of lands, and for other purposes;

H.R. 3522. An act for the relief of Aaron Green, Jr.;

H.R. 3960. An act for the relief of Patrick W. Gowan, David Dooling, Harlie L. Mize, James H. Blaes, and William L. Perkins;

H.R. 4345. An act to repeal clause (9) of subdivision a of section 39 of the Bankruptcy Act (11 U.S.C. 67a(9)), respecting the transmission of papers by the referee to the clerk of the court;

H.R. 4692. An act to amend sections 1, 18, 22, 331, and 631 of the Bankruptcy Act (11 U.S.C. 1, 41, 45, 731, 1031) to provide for automatic adjudication and reference in certain cases;

H.R. 4748. An act to extend the leasing provisions of the act of June 14, 1926, as amended by the act of June 4, 1954 (68 Stat. 173; 43 U.S.C. 869—869-3), to certain lands in Oregon, and for other purposes;

H.R. 5212. An act to revise the minimum charge on pieces of mail of odd sizes and shapes;

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

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

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

H.R. 5915. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1960, and for other purposes;

H.R. 7290. An act to provide for the striking of medals in commemoration of the 100th anniversary of the settlement of the State of Colorado and in commemoration of the establishment of the U.S. Air Force Academy; and

H.J. Res. 324. Joint resolution to waive certain provisions of section 212(a) of the Immigration and Nationality Act in behalf of certain aliens.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7040. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1960, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HILL, Mr. ELLENDER, Mr. ROBERTSON, Mr. HOLLAND, Mr. ALLOTT, Mr. SALTONSTALL, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7086. An act to extend the Renegotiation Act of 1951, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7343. An act making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON of Texas, Mr. ELLENDER, Mr. HAYDEN, Mr. FULBRIGHT, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

FREE IMPORTATION OF GIFTS FROM ARMED FORCES ABROAD

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7567) to extend for a period of 2 years the privilege of free importation of gifts from members of the Armed Forces of the United States on duty abroad.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of December 5, 1942, entitled "An Act to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad", as amended (U.S.C., title 50 App., sec. 847), is amended by striking out "July 1, 1959" and inserting in lieu thereof "July 1, 1961".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SIMPSON] and I have permission to extend our remarks in explanation of the bill just passed at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 7567 is to extend for a period of 2 years the privilege of free importation of gifts from members of the Armed Forces of the United States on duty abroad. This is a privilege which the Congress has allowed members of the armed services continuously since 1942. It applies to the entry of so much of any shipment of bona fide gifts as does not exceed $50 in value without the payment of customs duties and import taxes when such gifts are sent by members of the Armed Forces on duty abroad. The bill was introduced at the request of the Department of Defense, in behalf of the administration.

The history of this legislation is set forth in the committee report on the bill. As stated in the report, the Department of Defense in urging the enactment of this legislation expressed the opinion that a very definite morale factor is embodied in this legislation. It is extremely important to a serviceman on tour of duty overseas that he be able to send small gifts and souvenirs from the region in which he is serving to his family and friends in this country. If such articles were made subject to duty the administrative problems involved in sending gifts home would serve to discourage this practice.

Your committee was assured that the legislation is safeguarded from abuse not only by the restrictions contained in the act, but also by appropriate regulations issued by Department of the Treasury and the Department of Defense.

The Committee on Ways and Means unanimously recommended the enactment of H.R. 7567.

Mr. SIMPSON of Pennsylvania. Mr. Speaker, the legislation which has just passed the House providing for the free importation of gifts from members of the Armed Forces is a 2-year extension of a privilege the Congress has accorded military personnel in one form or another virtually without interruption since the period of World War II. The legislation has been administered in such a way as to prevent abuse insofar as information has been made available to the Committee on Ways and Means. The privilege is limited to bona fide gifts not exceeding $50 in value and such gifts must be from members of the Armed Forces on duty abroad.

The action taken by the Committee on Ways and Means in favorably reporting this 2-year extension was pursuant to a request made by the Department of Defense. In requesting such

legislation the Defense Department has reiterated its view that this privilege is an important morale factor with respect to our Armed Forces on duty abroad.

SUSPENSION OF DUTIES ON METAL SCRAP

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6054) to continue until the close of June 30, 1960, the suspension of duties on metal scrap, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of September 30, 1950 (Public Law 869, Eighty-first Congress), is hereby amended by striking out "June 30, 1959" and inserting in lieu thereof "June 30, 1960": *Provided,* That this Act shall not apply to lead scrap, lead alloy scrap, antimonial lead scrap, scrap battery lead or plates, zinc scrap, or zinc alloy scrap, or to any form of tungsten scrap, tungsten carbide scrap, or tungsten alloy scrap; or to articles of lead, lead alloy, antimonial lead, zinc, or zinc alloy, or to articles of tungsten, tungsten carbide, or tungsten alloy, imported for remanufacture by melting.

With the following committee amendment:

On page 2, strike out lines 3 and 4 and insert:

"SEC. 2. This Act shall not apply to any article provided for in section 4541 of the Internal Revenue Code of 1954."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SIMPSON] and I may extend our remarks on the bill just passed at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 6054, as reported by the Committee on Ways and Means, is to amend section 2 of Public Law 869, 81st Congress, as amended, to continue for 1 year—from the close of June 30, 1959, to the close of June 30, 1960—the suspension of duties on metal scrap.

The bill is exactly the same bill which the Committee on Ways and Means brought to the House last year and which the House passed by unanimous consent.

The bill contains the existing proviso that the suspension shall not apply to lead scrap, lead alloy scrap, antimonial lead scrap, scrap battery lead or plates, zinc scrap, or zinc alloy scrap, or to any form of tungsten scrap, tungsten carbide scrap, or tungsten alloy scrap, or to articles of lead, lead alloy, antimonial lead, zinc, or zinc alloy, or to articles of tungsten, tungsten carbide or tungsten alloy, imported for remanufacture by melting. The bill also continues the existing provision that the suspension shall not apply to any article provided for in section 4541 of the Internal Revenue Code of 1954.

Favorable reports on the bill were received from the Departments of the Treasury, State, Interior, Defense, Commerce, and Labor. A favorable report was also received from the Director of the Office of Civil and Defense Mobilization and an informative report from the U.S. Tariff Commission. The Committee on Ways and Means received no information which would indicate any opposition to this legislation.

The Committee on Ways and Means is unanimous in urging the enactment of H.R. 6054.

Mr. SIMPSON of Pennsylvania. Mr. Speaker, the legislation which has just passed the House, H.R. 6054, has as its purpose the suspension for an additional year of duties and import taxes on certain metal scrap. This legislation is similar to other legislation which the Congress has passed periodically so as to exempt from import duties scrap metal used by our domestic producers. The suspension under existing law is scheduled to terminate on June 30, 1959, and H.R. 6054 would extend the period of suspension through June 30, 1960.

Mr. Speaker, the Committee on Ways and Means in its consideration of this legislation received no indication of any opposition to the continuation of the present suspension. The Committee membership was unanimous in favorably reporting this bill to the House of Representatives.

Mr. Speaker, for these reasons I have joined with the distinguished chairman of the Committee on Ways and Means in urging the House to give its approval to H.R. 6054.

ESTABLISHING RULES OF INTERPRETATION FOR FEDERAL COURTS INVOLVING THE DOCTRINE OF FEDERAL PREEMPTION

Mr. WILLIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3) to establish rules of interpretation governing questions of the effect of acts of Congress on State laws.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3, with Mr. THOMPSON of Texas in the chair.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 1, ending on line 5, page 2, of the bill. If there are no amendments to this section, the Clerk will read.

Mr. CELLER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

The Clerk will read.

The Clerk read as follows:

SEC. 2. (a) Chapter 115 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 2392. Enforcement of State statutes.

"Except to the extent specifically provided by any statute hereafter enacted by the Congress, the enactment of (a) any provision of law contained in this chapter or in chapter 37, 67, or 105 of this title, (b) the Subversive Activities Control Act of 1950, (c) the Communist Control Act of 1954, or (d) any other Act of Congress heretofore or hereafter enacted which prescribes any criminal penalty for any act of subversion or sedition against the Government of the United States or any State of the United States, shall not prevent the enforcement in the courts of any State of any statute of such State prescribing any criminal penalty for any act, attempt, or conspiracy to commit sedition against such State or the United States, or to overthrow the Government of such State or the Government of the United States.

"As used in this section, the term 'State' includes any State of the United States, the Territory of Hawaii, and the Commonwealth of Puerto Rico."

(b) The analysis of chapter 115 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"2392. Enforcement of State statutes."

Mr. WALTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I listened with interest yesterday to some of the arguments of the proponents of this legislation, and I say to them that this legislation has nothing whatsoever to do with those decisions of the Supreme Court that many of us feel are not proper. The enactment of this legislation will in nowise affect decisions which the Committee on the Judiciary and other committees of this House have had under consideration for some time.

I ask the Committee on Post Office and Civil Service what was the status of my bill which deals directly with the most outrageous usurpation of authority that this republic has seen. It was reported favorably at the last session of Congress, passed by the House, but not acted on in the Senate. This is the case of Cole against Young, wherein the Supreme Court held that a disloyal Government employee could not be discharged from his or her employment unless that person occupied a "sensitive position." The Supreme Court by writing "sensitive position" into the law has as effectively amended the law as if it had been done properly and in this body.

The thing that disturbs me about this bill among other things is this: Enact this legislation—and all of you know how we operate in this body—and there will be no action on the decision. It is designed to undo the invasion by the Supreme Court of the prerogatives of this branch of Government. Many of the Members will say that we have enacted H.R. 3, why should we bother with the decision in the Mallory case, or the Cole against Young case, or many of these other cases? I think there are 48 of them.

It would be a most unfortunate thing if the Congress did not reassert its power. I am afraid that we will ultimately permit this branch of the Government to be subordinated to the extent that it is in other nations.

This great republic of ours, the leading Nation up to now of the whole world, is as powerful as it is because we have insisted on preserving the integrity of each branch of the Government. The way to deal with this usurpation of authority is on a case-by-case basis. We have undertaken that. The Committee on the Judiciary had a special committee headed by the distinguished gentleman from Louisiana [Mr. WILLIS], which has examined these cases; and I ask those of you who are interested in preserving the integrity of the Congress to vote against this bill, lest by voting for it we will not continue our efforts to correct these wrongs.

CALL OF THE HOUSE

Mr. MASON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 100]

Anderson, Mont.	Goodell	Powell
Ashley	Holifield	Rabaut
Bolton	Kearns	Spence
Canfield	Kilburn	Wallhauser
Chiperfield	Martin	
Cook	Miller, George P.	
Davis, Tenn.	Miller, N.Y.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 3, and finding itself without a quorum, he had directed the roll to be called, when 414 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. For what purpose does the gentleman from New York [Mr. CELLER] rise?

Mr. CELLER. Mr. Chairman, I ask unanimous consent to go back to section 1. I have an amendment to section 1.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WILLIS. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 3, line 7, insert:

"SEC. 3. Section 1 of this Act shall be applicable only to Acts of Congress hereafter enacted."

The CHAIRMAN. For what purpose does the gentleman from Louisiana [Mr. WILLIS] rise?

Mr. WILLIS. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. WILLIS. Mr. Chairman, this bill is in two sections. Section 1 provides the broad rule of preemption, and section 2 is directed to the decision of the Supreme Court in the specific Nelson case.

This bill has been read in full; both sections 1 and 2 have been read. An amendment to section 1 is obviously not in order. The addition of section 3, proposed by the amendment offered by the gentleman from New York, is a complete circumvention of the rule because as drafted what does the language of section 3 do? It does one single, solitary thing, that is, to amend section 1. I therefore make the point of order that the amendment offered by the gentleman from New York is not in order and is in violation of the rules. It comes too late at this time.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. CELLER. The gentleman from New York simply states that there are more ways than one to offer an amendment, and there is no reason why section 3 cannot be offered to amend any part of the bill.

Mr. SMITH of Virginia. Mr. Chairman, may I be heard briefly on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Virginia.

Mr. SMITH of Virginia. This is the amendment which was offered in proper order last year to the bill and defeated on the floor. It is obviously designed to destroy the bill.

Mr. CELLER. Mr. Chairman, the gentleman is not in order.

The CHAIRMAN. The Chair is hearing the gentleman on the point of order. The gentleman from Virginia will proceed.

Mr. SMITH of Virginia. I have not heard the gentleman deny that my statement is correct, and it obviously is. But I wanted to say that this is so obviously an amendment to section 1, which is not in order, that I can see no ground or excuse under any parliamentary rule to overrule this point of order.

The CHAIRMAN (Mr. THOMPSON of Texas). The Chair does not rule on the question of consistency. The Chair is ready to rule on the point of order.

The new section is merely a modification of a section already in the bill. The Chair therefore thinks it is germane and overrules the point of order.

The gentleman from New York [Mr. CELLER] is recognized in support of his amendment.

Mr. CELLER. Mr. Chairman, this amendment tests the sincerity of the proponents of this bill. If the proponents mean what they say and say what they mean, namely, that the bill is not retroactive, let them say so. My amendment says so in so many words, that this bill shall refer to the future and shall not refer to the past.

Apparently in the debate the reason offered by one of the proponents against an amendment of this character or import was that if you adopt such an amendment then you have two types of interpretation, or two types of construction: Cases coming up in the future would be decided in accordance with H.R. 3 rule of construction, whereas old cases would have to be construed, past cases, past laws, would have to be construed under the present rules of construction and, therefore, you have a dual method of construction. Apparently the proponents of this bill want these old laws and these old cases decided under this new construction. In other words, they want the act to be retroactive—to reach back and cover laws passed decades ago, laws even passed 100 years ago.

Let me give you an illustration. We passed in 1952 the Nationality and Immigration Act, and thereafter the State of Pennsylvania passed a statute requiring the registration of aliens. The Nationality and Immigration Act referred also and applied also to the registration of aliens. It contains a provision requiring aliens to register.

In the case of Hines against Davidowitz, the Supreme Court struck down the Pennsylvania statute and said that the Federal statute must prevail. That is under the present rule of construction

The Nationality and Immigration Act had no words of preemption. If this bill is passed and any State would enact laws requiring registration of aliens, then those aliens would have to register. There would be no positive conflict; thus aliens would be compelled to register twice. The old Pennsylvania act would be reactivated and revived. You would then have also this nice question: Would the old Pennsylvania statute be so revived and would those who failed to register between the time of the decision of the Supreme Court and the time of the passage of this act suffer pains and penalties, suffer punishment, money damage or imprisonment for their failure to register?

That is a contingency that can conceivably rise if we pass this bill without the words of my amendment, which state that this bill shall have effect only in the future and shall only refer to acts of Congress hereinafter passed.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. Will the gentleman support the bill if his amendment prevails?

Mr. CELLER. I will support the bill if my amendment carries. Apparently, I do not rise to the gentleman's bait. He thought I would answer differently.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WILLIS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. CELLER], and I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Chairman, the pending amendment, of course, strikes at the very heart of the bill. It comes from those who in actuality do not really want any legislation at all, and I will come to my recent question asked of the chairman of my committee in that connec-

tion. It is the same old hue and cry, the same argument we hear today we heard when we considered legislation to correct the decision of the the Supreme Court in the Jencks case.

In that case, you will recall, the Supreme Court departed from the conventional rules of evidence in criminal procedures. The Court held that the Jencks decision would permit criminals and Communists to rummage through the files of the FBI to have a "roman holiday." Those are not my words. That is what Justice Clark, speaking for himself and several of the other Justices, said, and he cried out for corrective legislation.

We studied the problem, and we passed the bill. The bill went only this far: It went back to the conventional rules of evidence. Many of those who opposed that bill are the same people who oppose this bill. When that bill was under consideration they said all sorts of dire consequences would be encountered, and we would deprive citizens of their constitutional rights. But on Monday of this week the Supreme Court construed the Jencks bill that we passed, and it approved our bill, stating that Congress, in passing the Jencks bill, was simply exercising its legislative functions. The story is repeating itself today.

Beginning with the decision in the case of Sinnot against Davenport, rendered exactly a century ago, in 1859, the courts uniformly established a rule of statutory construction to the effect that the Court should not undertake to destroy State law unless the Federal law stated or expressed an intention to invade the field or unless there was a direct conflict between the two.

And that is all this bill does in those identical words.

For those of you who were not here during general debate, I had with me at that time Shepard's citations, which is an analysis, among other things, of all Supreme Court decisions, and this brought out that the Supreme Court of the United States, in addition to other courts, up until a few years ago, cited that rule of statutory construction over 110 times. For 110 subsequent decisions the rule was applied. But now, under recent decisions, culminating in the decisions in Cloverleaf and Nelson, the Supreme Court has applied an expanded and unconventional rule of preemption. The present rule is, under those decisions, that the Supreme Court can strike down State law even though the Federal act does not express an intention to invade the State law, and even though there is no conflict between the two. For example, the Smith Sedition Act contained no such provision, yet the Court struck it down. In other words, the new doctrine is a doctrine of preemption by implication or inferences. Again, just like in the Cloverleaf case, Justice Frankfurter said this, as a warning to Congress, just as Justice Clark did in the Jenks case. Justice Frankfurter said it was an open invitation for Congress to do something about it. He said:

> If ever there was an intrusion by this Court into a field that belongs to Congress, and which it has seen fit not to enter, this is it.

He said further:

> And what is worse, the decision is purely destructive legislation—

He was begging us to do something about it, and that is exactly what this bill proposes to do, to simply go back to the conventional rule that brought harmony in the delicate field of State and Federal relationships.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Gladly.

Mr. HALLECK. This legislation that is presently before us is good for legislation that might be enacted hereafter. Then, why would it not be likewise good for legislation, statutes already on the books, in decisions to be rendered in the future?

Mr. WILLIS. The gentleman is so eminently correct.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Not at this point, but I will in just a moment. I am commenting on the gentleman's remarks.

Under this amendment you would have the anomalous situation of two standards as to laws already on the books. The Supreme Court would be free to do what they please and enter into the field of judicial legislation. But, as to laws to come, they would be bound by the conventional rule.

Look how inconsistent, I might say to my friend from Indiana, the opponents of this bill are. They move to strike out section 1, but they apparently embrace section 2.

What does section 2 do? I will read it to you: "or (d) any other act of Congress heretofore or hereafter enacted shall not prevent the enforcement in the courts of any State of any statute of such State prescribing any criminal penalty for any act, attempt, or conspiracy to commit sedition against such State or the United States."

In other words, they agree to the principle of the bill, and further they say that in cases of sedition we should follow the conventional rule. But, in all other cases involving preemption we should follow the Nelson rule.

Now, we the proponents of H.R. 3 say, as the gentleman from Indiana has so clearly pointed out, that this bill is an attempt to simply go back to what was the conventional rule for almost 100 years and if it is good law, and a good rule of construction with respect to sedition, then obviously it should be good law with respect to preemption in all other cases that may come before the Court.

Mr. CELLER. Mr. Chairman, will the gentleman yield now?

Mr. WILLIS. I yield.

Mr. CELLER. I take it now that the gentleman admits that the bill in effect is retroactive, in accordance with the answer given to the gentleman from Indiana.

Mr. WILLIS. Here is the way I expressed it in general debate in answer to the same question propounded by my chairman. You can read this bill from now until day after tomorrow and you will not find an amendment to any law, or the addition or the striking out of any word in any old law. However, in future cases coming up before the Court for construction——

Mr. CELLER. Future issues on what?

Mr. WILLIS. Future cases before the Court.

Mr. CELLER. Based upon all laws?

Mr. WILLIS. Based upon all laws, laws that have been on the books for 10 years, 100 years, or laws to come.

Mr. CELLER. Interpreting laws that were on the books 100 years?

Mr. WILLIS. H.R. 3 is no more retroactive than the rule of the Nelson case, which, of course, applies to old laws and will apply to future laws unless we change it which I hope we do by passing H.R. 3. Now, I decline to yield any further.

Mr. CELLER. I did not object to the gentleman's getting an additional 5 minutes.

Mr. WILLIS. I am still answering the gentleman's question.

This bill would simply go back to the rules applicable to all laws, old and new, that were in existence over the years and which the courts have said 110 times should be the law, as expressed in this bill. State laws and Federal laws were passed pursuant to and in the light of those decisions. Those decisions created harmony in the State-Federal relationship, and this bill would simply restore harmony.

Mr. CRAMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a question?

Mr. CRAMER. I am delighted to yield to the distinguished ranking minority member of the committee.

Mr. McCULLOCH. Mr. Chairman, I should like to ask this question of the gentleman from Florida. If the amendment offered by the gentleman from New York [Mr. CELLER] were agreed to by the committee, would not the Supreme Court of the United States be required to follow two rules of construction thereafter; one rule which would interpret laws passed hereafter in accordance with the bill we shall pass today, and statutes that are on the books by the implied preemption rule or some new rule that the Court may devise in some other decision?

Mr. CRAMER. The gentleman is eminently correct. Of course, I can add to that not only the fact that this would provide two rules of construction for future cases but that what we are talking about in this bill is not past acts but future cases before the courts. Therefore, it is not and cannot be retroactive. It is a rule of construction of and not a substantive amendment to existing and future statutes.

The distinguished chairman answered a question concerning the point raised by the distinguished minority leader, as to whether the inconsistency of the chairman's position that H.R. 3 would be good in the future but not for statutes of the past. I suggest that the chairman's answer with regard to this point on the bill could be equally applicable to the Nelson case itself—as it is to H.R. 3. In other words, the majority chairman, who leads the opposition, takes the position that the Supreme Court can establish a new rule of construction and that

is not retroactive; but the U.S. Congress cannot establish a rule of construction which it has the power to do, to determine the intent of this Congress—that is, the Congress cannot do it, but the Supreme Court can do it. That is the inconsistency of the position of the gentleman from New York.

Further, it should be noted that if such distinction were made between past and future statutes, this is what the result would be. The ironic result would be that future statutes would be governed by the rule of interpretation that has been in effect for the past century, but that statutes enacted in the past under that rule and in the light thereof would presumably be interpreted in the future under some different rules not yet known to Congress. That would be the result of the amendment that is proposed.

Mr. Chairman, obviously this is an effort to kill this bill. The argument that is being made now is the same argument that was made in the Jencks case when legislation was presented to this body to clarify that decision. There is not any question but that there is no retroactivity in this action on the part of Congress. The Supreme Court itself complimented the Congress in its recent decision the other day with regard to enactment of this legislation in the Jencks case. We are attempting to take a similar action with regard to the Nelson case.

Now with regard to retroactivity itself, is this bill retroactive in fact? The answer categorically and unquestionably is no. As a matter of law, no, it is not. And it could not be, because you cannot have an ex post facto law, under the Constitution. If, in fact, the worries of the majority are well founded; if, in fact, this were an ex post facto law then, of course, the Court would strike it down. But I say it is not and that we could not pass a law in contravention of the Constitution itself. We could not in this body pass a law that would affect cases previously determined and decided because that, too, would raise a very grave and very serious constitutional question. So I say to you there is no question but that this is not a retroactive bill.

What is being done and the only thing that is being done is this. This provides a rule to guide the Court in future cases; I repeat, future cases, in construing statutes of the Congress. It provides a rule of construction and does not amend the substantive law and therefore could not be construed to be retroactive in effect. So I say there is nothing to this argument with regard to retroactivity. As a matter of fact, what this bill does is this. It attempts to codify into law a rule of construction to determine the intent of Congress in future cases, a rule that existed nearly 100 years. Under it the Court decided on the meaning of statutes as a rule of construction for preemption for nearly 100 years, and a return to that rule through H.R. 3 certainly does not mean it is retroactive or destructive in any respect. As a matter of fact, this bill will bring order out of the present chaotic effect of the Nelson, Cloverleaf, and other cases. The amendment should be defeated.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. VANIK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I listened with patience to almost every word of the debate on this bill. I have listened in vain for convincing truths. With courtesy and with patience I have endeavored to extract answers to simple and reasonable questions. It is regrettable that there has been no full debate on this bill in the traditional manner. Some positions were involved with deep emotions, unrelated to the issue.

I oppose this bill, because I fear it with all my heart. No argument presented on this floor has convinced me that this legislation will have no effect on the regulatory power of the Federal Government as it is now exercised. It is the present exercise of this power, which I desire preserved in what I believe is the public interest. Rules of judicial construction can be used as lethal weapons of destruction to assault the rights of man. During 7 years as a trial judge in Ohio, I have seen the failure of justice more often through inappropriate and mishandling of procedural law than through the inadequacy of substantive law.

This bill has the force and effect of an A-bomb on established jurisprudence. There is something in it for those who seek vengeance against the Supreme Court for what it said in the segregation decision of 1954. There is something in this bill for those who seek to exercise States rights to protect unfortunate citizens from the civil rights they now have. There is something in this bill for those members of the law who thrive on lusty fees made by conflict of laws. There is something in this bill for some business interests who expect to reap a bonanza of profit through the deterioration and atrophy of the Federal regulatory power. There is something in this bill for practically everyone except the people of America who may never comprehend what it will do to them.

This bill is designed to increase the legislative power of the States. This created new power must of necessity be carved from existing Federal power to regulate. My fear is that the States will use this increment of legislative power to further compete and divide. The economic disunity among the States will make for a weaker America.

This bill, I fear, will lead our Nation on a weird adventure. I suspect that even its most avid supporters will rue the day they gave it life.

The gentleman from Florida and the gentleman from Ohio say the bill does not have retroactive effect. The gentleman from Louisiana says it does. The Attorney General does not seem to know. Is this the climate in which we should legislate?

In this 86th Congress the record is one of compromising compromise. The work of the individual Member is obscured in compromise. There is little to distinguish the Member wherever he may sit in this House. I believe, however, that the manner in which we vote on H.R. 3 will more likely classify our work in this Congress than any other legislation this term.

I urge the defeat of H.R. 3.

Mr. WILLIS. Mr. Chairman, this bill has been debated for 2 days. We do not want to cut off reasonable debate but I wonder if we could not reach an agreement on a limitation on debate for a reasonable time on this particular amendment and amendments thereto? I would hope that we could do so reasonably in 15 more minutes.

The CHAIRMAN. Does the gentleman submit such a request?

Mr. WILLIS. I am trying to test the wish of this committee. I do not want to force anybody but that is my judgment. I asked the gentleman from New York if that would be agreeable to him.

Mr. CELLER. That would be agreeable to me.

Mr. FULTON. Mr. Chairman, I have an amendment adding a new section 3. Could I still offer it?

Mr. WILLIS. This would apply only to the pending amendment and amendments thereto. Would this be agreeable to the gentleman from Ohio?

Mr. McCULLOCH. Entirely agreeable.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

Mr. BROOKS of Louisiana. Mr. Chairman, reserving the right to object, I spoke to my colleague and very dear friend the gentleman from Louisiana [Mr. WILLIS] during the first day of debate on this bill and told him I would like 5 minutes on the bill. At that time he told me all of his time was taken up. I talked to my colleague the gentleman from New York [Mr. CELLER] and got the same reply.

I merely ask him to withhold his request until I can get 5 minutes' time. I am not going to be arbitrary with my own colleague or be arbitrary with the House, but I would like to have reasonable time on the bill, that is all.

Mr. WILLIS. Mr. Chairman, in that connection I see three Members standing. This would allow 5 minutes each, but I would like to have time reserved for the author of the bill.

The CHAIRMAN. The Chair would inform the gentleman that there were six Members on their feet, seven now.

Mr. BROOKS of Louisiana. I want to know if I am going to get 5 minutes, if the gentleman will incorporate 5 minutes for me.

The CHAIRMAN. There are now nine Members seeking recognition.

Mr. WILLIS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto, in view of the number standing, close in 20 minutes.

The CHAIRMAN. The question is on the motion.

The motion was agreed to.

The CHAIRMAN. The Chair noted the names of the Members standing. The time will be divided equally among them and will amount to about 2¼ minutes each.

The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in support of the amendment. I think it possibly improves a little bit, but even if the amendment were adopted we still would have before us a piece of legislation dangerous in concept and dangerous in application. But at least it would be some improvement.

I am quite sure that there are Members of this Committee who support H.R. 3 but are somewhat nervous about the effect that it might have on existing regulatory procedures and existing statutory arrangements. I predict that we will see amendments offered to exempt certain fields of endeavor from the operation of H.R. 3.

The amendment, however, would save Members of the House from the obligation which they would have to go through the United States Code from one end to the other to determine exactly what it is that they have done if H.R. 3 is passed. Therefore I support this amendment which would at least get rid of the necessity of having to do that. It still would be a bad bill for the simple reason that the basic fallacy remains that we do not have any new doctrine of preemption created out of thin air by the courts. We still have the doctrine of preemption as it was envisioned by our forefathers in this country.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from Michigan.

Mr. JOHANSEN. Mr. Chairman, I rise in opposition to this amendment.

I wish to commend the succinct statement of the basic issue involved in H.R. 3 as offered yesterday by my colleague, the gentleman from Michigan [Mr. MEADER].

The gentleman from Michigan said:

> It seems to me that the matter of policy involved here would require those who favor the maintenance of the vigor, vitality, integrity, and authority of State governments to vote in favor of H.R. 3. Those who believe that self-government at the State and local levels is obsolete and that all problems must be dealt with on a national basis will, of course, vote against H.R. 3.

I am not a member of the bar and therefore cannot speak with the authority and background of legal training such as my friend from Michigan brings to this debate. But I do not need to be a lawyer to know where my allegiance lies in this great issue. Like the gentleman from Michigan [Mr. MEADER] I favor—and throughout my service in this House I have consistently favored—the maintenance of the vigor, vitality, integrity, and authority of State governments.

In connection with this issue I think it is worth noting that back in 1867, as an aftermath of the tragic War Between the States and as a part of the equally tragic reconstruction era controversy, Senator Charles Sumner, of Massachusetts, was advocating consolidation of virtually all governmental power in the National—that is, Federal—Government.

Regarding Sumner's views his biographer, Edward L. Pierce, writing in 1893, said:

> Thoughtful students of the American system recognized, even at that period when national power was being pressed to its utmost verge in the interest of freedom, that Sumner's conception was onesided. He admitted indeed the place of States in our system, as supplying opportunities for education and meeting local wants; but he treated them as conveniences rather than essential organs of national life, and his conception reduced them almost to the level of counties and towns—as if States, with equal representation in the Senate and with jurisdictions guarded by the Constitution against national interference, bore any real analogy to the municipal divisions of a State, which are useful for local administration but absolutely subject, as to their sphere and even as to their existence, to legislative power.

Also, with respect to Sumner's views his own colleague from Massachusetts, Senator Henry Wilson, remarked critically after Sumner had lectured in Boston, "The States are something, still."

I subscribe to the sentiment of Senator Wilson that the States, indeed, are something, still. I go further. I believe that it is absolutely essential to the survival of constitutional government in these United States, to the preservation of our Federal system, and to the maintenance of freedom and self-government in any meaningful sense, that the States be maintained and strengthened in their essential role as something, still, in our governmental scheme of things.

It is for these reasons that I unqualifiedly support H.R. 3.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Louisiana [Mr. WILLIS] because I need 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. DOWDY].

Mr. DOWDY. Mr. Chairman, I oppose the amendment to limit section 1 of this bill. The argument of retroactivity is wholly immaterial on a question of construction of statutes.

The rule proposed in this bill merely reestablishes the rule followed by the Supreme Court for 100 years. When the Court abandoned that rule and adopted their rule of presumptive preemption, the Court's new rule was no less retroactive than is this bill. Any rule of construction must apply to all future litigation, and that is all this bill does.

That is not retroactivity.

I consider H.R. 3, and particularly the first section, to be the most important legislative proposal that it has been my pleasure to support since I have been a Member of this honorable body.

I do not see how any American could oppose this bill; it states a fundamental rule for judicial interpretation of laws passed by Congress that prevailed through the years of the infancy, growth, and maturity of our great Republic, yet I know there is a group of people who do oppose this principle.

It is composed, principally, of the self-styled liberals. They are sincere in their opposition—they sincerely believe that the American people do not have sense enough to govern themselves, and therefore we must have an omnipotent, centralized Government in Washington, with their group as the godhead, to make all decisions for the people. They oppose this bill for the reason they fear it might detract somewhat from the deadly power of the octupus on the Potomac.

In an effort to delude the people in regard to the basis for their opposition, knowing full well their true reason must be concealed, the argument is advanced that this bill would bring into question the interstate commerce laws. That is not true, and the fallacy of the argument can be easily demonstrated. This bill would not affect the interstate commerce laws.

In the U.S. Constitution, article I, dealing with the legislative department, section 8, clause 3, it is stated:

> The Congress shall have power to regulate commerce among the several States.

This clause is the direct source of the most important powers which the Federal Government exercises in time of peace, and is the most important limitation imposed by the Constitution on the exercise of State power. The courts used it as a curb on State power many times, and long before 1887, when the Interstate Commerce Act was adopted.

As early as 1824, in Gibbons against Ogden, the Supreme Court held that under the commerce clause, a State could not interfere with interstate commerce, and in so doing overturned a series of acts of the Legislature of the State of New York, since which time the States have not been considered to have authority to impede the free flow of commerce from State to State—and may I say again, that antedated the Interstate Commerce Act by 63 years.

H.R. 3 seeks only to restore the rule of construction and interpretation of statutes that was followed through all those years—and until only recently—under which the named result was reached. H.R. 3 will not and can not change the U.S. Constitution. Only a constitutional amendment can do that. So do not be hoodwinked by that argument, because for 135 years it has been accepted constitutional doctrine that the commerce clause, even without the aid of congressional legislation, affords protection from State legislation, and that in cases where Congress has not acted, the Court, under the commerce clause, and not the State legislatures, is the final arbiter of the competing demands.

Do not construe my words to mean that the Supreme Court can supersede the will of Congress in this connection. I do not know what would happen now, which is one of the many reasons I support H.R. 3, but former Supreme Courts have recognized the dominance of Congress in legislating. In 1852, Congress passed an act pronouncing the Wheeling

bridge "a lawful structure," setting aside the Court's contrary decision a few months earlier. The Court learned that lesson, and 30 years later, in Transportation Co. against Parkersburg, the Court used this language:

It is Congress, and not the Judicial Department, to which the Constitution has given the power to regulate commerce.

The present Supreme Court has been usurping the legislative functions by enlarging its acknowledged power of construction so as to include rewriting the laws passed by Congress. It is hoped H.R. 3 will cause the Court to relearn the lesson that it is Congress, and not the Judicial Department, to which the Constitution has given the power to legislate.

Section 1 of the bill says to the Court only that it shall not read into an act of Congress an intent that is neither expressed nor apparent. The fact that such an expression from Congress is necessary is evidence of the breakdown that has occurred in the division of powers between the three branches of Government. Congress must take this step, else have its constitutional powers and prerogatives further invaded and usurped.

But I want to mention briefly other of the pseudo-objections to this bill. The opponents, for instance, do not give the laboring men credit for much intelligence. They are not dumb—they know this bill provides that a conflict between a State and Federal act will be resolved in favor of the Federal act. They are too intelligent to be misled by the contention, for instance, that a State law on wages and hours would take precedence over the Federal law on this question, because, in fact, under H.R. 3 a conflict between the two would void the State act.

The truth of the matter, any thinking laboring man would strongly support this bill. The Federal law provides $1 per hour minimum wage. If a State enacted a 75 cents an hour minimum wage in applicable cases, the Federal law would prevail because the conflict would be resolved, under this bill, in favor of the Federal provision.

However, take a contrary case. I understand the State of Alaska will have a $1.50 minimum wage. That would be a resolvable conflict, because the minimum would be above the Federal provision. Under the prevailing Supreme Court doctrine of preemption, that Court might well knock down the Alaskan law—H.R. 3 would prevent that from happening. There may be other States confronted with this same situation.

Similar objective reasoning will reveal the baselessness of other fears about H.R. 3.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. TOLL.]

Mr. TOLL. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from New York [Mr. CELLER].

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I suppose as a lawyer I should support this bill and as a lawyer I should oppose the amendment, because if anything this bill is a full employment bill for lawyers. It is going to create a morass of litigation, ambiguity and doubt upon the rights, responsibilities and liabilities of every American citizen, that will offer unlimited opportunity to members of the bar.

The amendment improves the bill somewhat, but it is sort of like washing a skunk. You can wash it as much as you want, but it is still a skunk.

I want to read to my colleagues some of the things which have been said by the Department of Justice on H.R. 3, as some of many cogent reasons for its defeat.

The only difference between Judge SMITH and the Department—and I do not mean to be presumptuous—but the only one I think of at the moment is that Judge SMITH seeks it by this general statute. We would like to go at it field by field, and, if there is any conflict, let us eradicate it field by field, so we know what we are doing.

That is a quote from the statement of Mr. Walsh, Deputy Attorney General, before the House Judiciary Committee.

Mr. Walsh went on to say:

I would say that this job you are suggesting for the Department of Justice is not one for a week, a month, or a year. There will be many years involved in such a job.

I read this for the benefit of my colleagues on the Republican side, because I assume after their policy committee meeting they are going to vote almost unanimously for this particularly iniquitous piece of legislation. I want you to know what their Department of Justice and our Department of Justice thinks about this particular bill.

I want to go a little bit further and tell my colleagues that there occasionally falls on the House of Representatives the job of enacting a legislative futility. We are doing that here today. Those of us who oppose this bill are doing more than something to protect the public interest. We are trying to save these silly people in the National Association of Manufacturers, the Chamber of Commerce, and, if you please, the Republican Policy Committee in the House from the consequences of their own outrageous folly in the enacting of a bill like H.R. 3, which will create a confusion compounded of litigation and relitigation of now established rights and obligations.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Louisiana [Mr. WILLIS].

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, everything that can be said on this bill has been said in the past few days, and Members who want to understand this bill can understand it. Others may do as they see fit.

Mr. Chairman, I hope we will get to a vote right quick on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CELLER].

The question was taken; and on a division (demanded by Mr. MULTER) there were—ayes 81, noes 138.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. WILLIS.

The Committee again divided, and the tellers reported that there were—ayes 129, noes 195.

So the amendment was rejected.

Mr. LINDSAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDSAY: Strike out all after the enacting clause and insert in lieu thereof the following language as a substitute bill:

"That chapter 115 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"'§ 2392. Enforcement of State statutes

"'Except to the extent specifically provided by any statute hereafter enacted by the Congress, the enactment of (a) any provision of law contained in this chapter or in chapter 37, 67, or 105 of this title, (b) the Subversive Activities Control Act of 1950, (c) the Communist Control Act of 1954, or (d) any other act of Congress heretofore or hereafter enacted which prescribes any criminal penalty for any act of subversion or sedition against the Government of the United States or any State of the United States, shall not prevent the enforcement in the courts of any State of any statute of such State prescribing any criminal penalty for any act, attempt, or conspiracy to commit sedition against such State or the United States, or the Government of such State or the Government of the United States.

"'As used in this section, the term "State" includes any State of the United States, the Territory of Hawaii, and the Commonwealth of Puerto Rico.'

"(b) The analysis of chapter 115 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"'2392. Enforcement of State statutes.'"

Mr. WILLIS. Mr. Chairman, I make a point of order to the amendment.

Mr. Chairman, I followed the reading of the amendment and it is word for word carrying section 2 of the bill after the enacting clause. It is really an amendment to strike out section 1 and all that this amendment does is simply to repeat what the Committee has just voted on. It comes too late, Mr. Chairman, because section 1 has already been read.

The CHAIRMAN. The Chair will be glad to hear the gentleman from New York [Mr. LINDSAY] on the point of order.

Mr. LINDSAY. Mr. Chairman, under the rules the amendment is in order.

Mr. CELLER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. CELLER. Mr. Chairman, this is a substitute amendment which, in effect, strikes out section 1. There is no reason why a Member cannot offer a substitute amendment changing the provisions of any section, either amending the section or striking it out in toto. That is what this amendment does. It is a substitute amendment substituting a new bill as it is, with the elimination of section 1.

The CHAIRMAN (Mr. THOMPSON of Texas). The Chair is ready to rule.

The only function of the Chair is to rule on the germaneness of the substitute. The Chair believes the substitute is germane and, therefore, the point of order is overruled.

Mr. LINDSAY. Mr. Chairman and Members of the Committee, this substitute strips this matter down to its essentials. What it does is to leave intact that portion of the bill, H.R. 3, which is directed at the decision of the Supreme Court in the Nelson case. Those who wish to overcome the decision of the Supreme Court in the Nelson case have an opportunity to do so and can support this amendment. This in essence is the case by case approach about which so much has been said in this Committee of the Whole House in the past 2 days.

Mr. Chairman, I do not hold any particular brief for section 2. It seems to me that the decision of the Supreme Court in the Uphaus case clarified a certain amount of confusion as to the effects of the Nelson decision. It was understood in some quarters, or at least it was thought in some quarters, that the Nelson decision had the effect of preventing any State from taking legal action in the courts against internal disturbance, sedition or what have you directed against the State itself. In my humble judgment, sedition directed against the United States is a national matter which is best handled by the Government of the United States. There is plenty of evidence to that effect. But, this is beside the point, Mr. Chairman. At least legislation designed to overcome the decision of the Nelson case or legislation designed to overcome the decision in the Jencks case or legislation designed to overcome the Cole decision is the correct legislative approach to this problem. I have no quarrel, as a matter of principle, as to the approach that is made by any Member of the House who decides to attack these decisions of the Supreme Court. That is his right and I have no quarrel with any effort to overcome it by specific legislation. But the blunderbuss approach of section 1 as the distinguished gentlemon from Massachusetts [Mr. CURTIS] so aptly put it in debate yesterday, is like using plumber's tools to perform a brain operation that should be performed with a scalpel. Therefore, I say to you, although I do not agree with those who would enact legislation to overcome the decisions in the Uphaus case and the Nelson case, nevertheless, I recognize their point of view and I am quite ready to subscribe to the theory that this is the correct legislative approach.

I am not going to take the time of the Committee to reargue the question of the effects of H.R. 3. I tried to do it briefly yesterday, and other Members of the Committee on both sides of the question have expressed their thinking.

In substance, the argument of the opponents of H.R. 3, that is, section 1 of H.R. 3, is that there has been no change in the doctrine of preemption by any Supreme Court decision in recent years. We have been able to point to case after case, going way back to Gibbons against Ogden, which established the principle of preemption founded on the supremacy clause of the U.S. Constitution. Not a single Member of the Committee has been in a position to deny the fact that if section 1 of H.R. 3 is enacted that, for example, alien registration statutes in several of the States would be automatically reactivated. In fact I take as my text on that score, as I did in the debate yesterday and the day before, the brief submitted by the distinguished author of the bill, the gentleman from Virginia [Mr. SMITH] in which it is expressly stated that this is the intention of H.R. 3 in alien registration and other areas of Federal activity.

So, Mr. Chairman, in substance, if there are Members of this Committee who wish to enact legislation to overcome the effect of the Nelson case, but who are fearful as to the possible overall effects of section 1 of this bill, then they will support this amendment.

Mr. FORRESTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York says that his amendment will overrule the Nelson case decision. It will do perhaps that very thing, but that statement on the part of the gentleman is a complete admission that the Uphaus case did not overrule the Nelson decision and actually did not touch it even with a 40-foot pole.

I have just this little disagreement with the gentleman from New York, and I want to make it crystal-clear and I want to see which side the Members of this Congress are on. The gentleman from New York says that in matters of sedition, and so forth, the Federal Government should have exclusive jurisdiction and control. I do not think so. When that day arrives it is going to be the saddest day that America has ever witnessed. Oh, my dear friends, I wonder where that philosophy came from? You did not think that back in World War I. Back in World War I Minnesota passed a law saying that anyone who discouraged registration would be guilty of a criminal offense. Minnesota convicted a man under that statute. That case was carried to the U.S. Supreme Court and the point was raised that the Selective Service Act had preempted the field. But the U.S. Supreme Court said certainly: "The State has the right to cooperate in the defense and the protection of this country, and, as a matter of fact, it is their duty so to do." God pity us if the day should come that the gentleman from New York looks forward to.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Idaho.

Mr. BUDGE. I would like to commend the gentleman on his statement and also make this observation: The gentleman from New York who offered this substitute seems to think that the only thing involved here is the matter of criminal jurisdiction. Far more is involved that that. Just as an example, Congress for a period of 102 years has in 18 separate pronouncements said that the water which is the lifeblood of the 11 arid Western States should be obtained under the laws of those several States and Territories. It has never said otherwise. In spite of that legislative history, some departments of the Federal Government continue to assert some kind of superior power of the Federal Government over those waters. If they are successful in any such assertion, chaos would result in the Western States where the water rights have been settled for many years and settled under State laws.

I say to the gentleman from New York that there is a great deal more involved in H.R. 3 than the Nelson case or any other criminal proceeding, important as corrective measures are in that field.

Mr. FORRESTER. I thank the gentleman for his contribution, but I have not finished with this subject.

The State of Georgia wants the privilege of joining in the fight on communism. No matter what the gentleman from New York [Mr. LINDSAY] wants, I want to stand here in the well of this House and say to you, sir, that we in Georgia want the privilege of trying to work with you in wiping out communism and trying to destroy the enemies of the United States of America.

Another thing, sir, I would like to say to you, and I am a little surprised because the gentleman has been with the Justice Department, it would seem to me that the gentleman would be sick and tired of these 5 to 4 decisions. You have four on one side and four on the other in the Supreme Court and Justice Frankfurter now is the most powerful man in the world because the way Justice Frankfurter votes, that is the way the Court goes and that becomes the law of the land. In my country law practice I just do not think that is good for the country and we just do not like it, and I bet you do not like it. I bet you have nothing against your State. I do not know why you should fear your State. Do you fear your State? I do not fear Georgia. If you fear your State you ought to move from your State. I never thought I would see the day I would hear an argument that the 49 sovereign States should be prevented from protecting themselves against overthrow by force and violence or from protecting the Government of the United States against any foe.

Mr. NELSEN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take this time for the purpose of asking some questions of the gentleman from Louisiana [Mr. WILLIS], who is handling this bill. I have listened to the discussion for several days and I am rather confused.

A letter came to my attention dealing with the rural electrification program. This is a letter from the National Rural Electric Cooperative Association and it reads as follows:

NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION,
Washington, D.C., June 16, 1959.

As you know, H.R. 3 which purports to establish rules of interpretation for Federal courts involving the doctrine of Federal preemption is due for floor debate and action this week.

The National Rural Electric Cooperative Association, the service organization for the rural electric system of the United States which represents some 4 million member consumers, has a vital and direct interest in this legislation.

In addition to the reasons why H.R. 3 should be rejected, as set forth on page 28 of the minority report, Report No. 422, the enactment of legislation as contained in H.R. 3 would also, as the minority report set forth, throw into "chaos * * * all possible areas of concurrent powers * * * including forms of transportation, labor-management relations, criminal law, alien, power and natural gas regulations, matters affecting the national defense, etc., etc."

Some 450 of the rural electric cooperatives receive either directly or indirectly all or part of their wholesale power supply from Federal power projects such as for example, the Tennessee Valley Authority, the Bonneville Power System, Southwestern Power Administration, Bureau of Reclamation, etc. In addition the commercial utilities from whom many of the rural electric systems purchase power are subject to the scrutiny of the Federal Power Commission. We feel that passage of legislation embodied in H.R. 3 would seriously hamper the operations of the Federal Power Commission and those Federal agencies which over the years have time and time again been delegated the authority and responsibility by the courts and the Congress to have control over navigable waterways and streams, water rights, and use of water for irrigation, navigation, power development, etc.

In addition, passage of such legislation would throw into chaos the interpretation of the Federal property clause of the Constitution, section 3, clause 2, under which all the Federal power projects have operated these many years.

The reasons as stated above, plus others, clearly indicate the great harm that could be done directly and indirectly to the rural electric systems if such provisions as embodied in H.R. 3 were allowed to become law.

For these reasons we respectfully urge your consideration of our position on this matter.

Sincerely,

CLYDE T. ELLIS,
General Manager.

Mr. Chairman, I would like to know of the gentleman from Louisiana if this is a correct analysis and whether or not this legislation would affect the rural electric cooperatives all over the United States.

Mr. WILLIS. My answer is no. But I am amazed at this letter being written by Clyde Ellis. Who was it written to? I did not receive one.

Mr. NELSEN. I did not receive a copy myself. It was directed to several Members of the Congress, and a copy came to my attention for the purpose of asking of me my opinion relative to it, and I am frank to say I could not answer the question.

Mr. MASON. Mr. Chairman, I received an identical copy of what the gentleman refers to.

Mr. WILLIS. I want to say that Mr. Ellis, in fairness, should have sent a letter to all Members. I doubt that there has been a greater supporter of the REA program in this Congress than myself. It happens that the largest REA group in the world is from my congressional district. I attend all their yearly meetings. I do not think I have ever voted against any program involving REA that I considered fair and just over the years.

By the way, it is my impression that the gentleman has been a supporter of REA. Has he received such a letter?

Mr. NELSEN. I have not.

Mr. WILLIS. My opinion, in answer to the question propounded by the gentleman, is emphatically no.

Mr. MATTHEWS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Florida.

Mr. MATTHEWS. Mr. Chairman, I appreciate the gentleman's bringing this information to the House and to the committee. I know that I can assure him that that letter does not represent the philosophy of the wonderful REA's in the Eighth District of Florida. I would go so far as to say that 99 99/100 of the members of REA in the Eighth District of Florida are behind H.R. 3, and I want to thank the gentleman for bringing this matter to our attention.

I thank the gentlemen for their assurance. Certainly no one would wish to permit this legislation to damage the REA program and I do believe this discussion will be helpful in establishing legislative intent.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will say that the letter written by Mr. Ellis to the gentleman who just spoke clearly indicates the difficulties attendant upon this bill. The Rural Electrification Act contains no words of preemption. That means that the States would be free, if you pass this act, to set up little rural electrification acts, and there may not be the irreconcilable conflict, which is the only standard under H.R. 3, between the State act and the Federal act. The Federal agency may set forth certain rates. The State agency could set forth conflicting rates to be operative in the State. Similar conflicts may occur in routes, and the rates might be different. Under the standards of H.R. 3, you would not necessarily have here an irreconcilable conflict. The Federal act would not necessarily preempt. There would be dozens of State acts infringing upon and making ineffective the Federal act; you would have confusion worse confounded. That is why this letter was written. And, it points up the serious danger of cavalierly voting for this bill. I am going to ask you to be very, very careful, because you are going to take a shot in the dark without knowing the ramifications of this type of legislation. That was pointed out very succinctly in the letter which was just read, and in the import of the excerpts which were commented upon from the minority report.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CRAMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, just let me point out that the amendment offered by the gentleman from New York would have this effect. The basis of his argument in support of his position is that the States should not prosecute for sedition against the Federal Government, but rather the Federal Government should do so. I read from page 2, line 18, of the section which remains in the bill, and which he indicates he now supports. It says "shall not prevent the enforcement in the courts."

That is, the previous decisions of the Court, "shall not prevent the enforcement in the courts of any State of any statute of such State prescribing any criminal penalty for any act, attempt, or conspiracy, to commit sedition against such State or the United States."

Of course, the amendment which he offers would retain the provision which permits the States to act against sedition against the United States, and of course, that sets the precedent which is exactly the same as the general provision which is contained in section 1 which the majority in the committee has supported.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Kentucky.

Mr. CHELF. Let me say to my colleagues that my friend and my chairman the gentleman from New York [Mr. CELLER] made the statement a moment ago that he thinks this bill would be ruinous to REA and to various civil rights legislation. Now, I come from the great border State of Kentucky, and I am one of those who voted for the civil rights bill; and if I thought that there was anything in H.R. 3 that would adversely affect or in the slightest manner hurt or harm the rights and the privileges of my people, I want everybody here to know I would be the first man to offer an amendment to correct the bill so that it would not in any way be injurious to my district or to the country. Now, I cannot conceive of any section of this bill that would affect labor adversely—civil rights, REA, railroads, their employees, or anybody else. This argument is a smokescreen. I have supported REA ever since I have been in the House of Representatives, and, what is more, I have always tried to be fair to labor, business, and all segments of our people. I shall keep on doing it. H.R. 3 is no more retroactive than the rule of the Nelson case, which will be applied to old laws if H.R. 3 is not enacted. It is just that simple.

Mr. CRAMER. I will say to the gentleman that he is eminently correct. And he is a good enough lawyer, I am confident, to know that neither this bill nor any other bill that Congress would enact could possibly affect the constitutional right of an American citizen; is that not correct?

Mr. CHELF. That is right. Will the gentleman yield further?

Mr. CRAMER. I yield.

Mr. CHELF. We had a fairly recent case in Kentucky which was quite fa-

mous, the Carl Braden case. That man was indicted, tried, and convicted by a jury of his peers, for sedition and for communism in Louisville, Jefferson County, Ky. He was sentenced to serve 15 years in the penitentiary and fined $5,000. During the time that his case was on appeal before the Court of Appeals of Kentucky, which is the supreme court of our State, the Nelson case decision was handed down. The Braden case was thrown out and today he is running around, thumbing his nose at the laws of Kentucky and of the United States. He is laughing at the Congress, hissing through his teeth at the Supreme Court, and no doubt back in business trying to destroy America. I am against a card-carrying, dues-paying, Communist preaching parson, being able to do that, especially after he has been tried and convicted. On Monday I stated that his wife was convicted also. I have learned since that she was only indicted by a Jefferson County grand jury. This was no doubt based on her activities in aiding and abetting her husband, Carl. An undercover FBI agent testified that Anne Braden was in a Communist cell with the agent. So—she is as lucky as is her husband, to be out and "in circulation."

Mr. CRAMER. I will say to the gentleman further that this bill could not possibly have anything to do with the REA and Mr. Ellis is about as wrong on that as he was on REA reorganization.

Mr. CHELF. Exactly.

Mr. CRAMER. And that is because it involves interstate commerce. That is the basis on which REA was established. This bill cannot have and does not have anything to do with interstate commerce, it being a constitutional provision which the bill could not possibly abrogate.

Mr. CHELF. Amen.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. JACKSON. Mr. Chairman, I asked the gentleman to yield to me for the purpose of directing an inquiry to the distinguished chairman of the committee. I should like to ask if the Chairman honestly and sincerely believes that the passage of H.R. 3 would enable an individual State to set up an REA system on the State level.

Mr. CELLER. Of course, it could.

Mr. JACKSON. Mr. Chairman, I can think of no greater recommendation for the bill, and if I had not been inclined to vote for it before, I certainly would be now.

Mr. BROOKS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we have had a lot of very fine running-fire debate here today and I have enjoyed it. It covered the whole waterfront. I know that every member of the committee that is handling this bill is anxious to do his full part to represent his views on the measure. Sometimes, Mr. Chairman, we feel very heavily our responsibilty. I am not a member of the committee that is handling this bill and it has been my policy not to speak on a measure unless I am a member of the committee presenting the bill. This is the sole instance this year I have asked for time on a bill offered by a committee of which I am not a member.

I think it is appropriate that I speak at this time. The fundamental purposes of this amendment presented to the committee now are good. I like the thought behind it. But I think the bill itself accomplishes the purpose of the amendment and does it much better and more succinctly.

The measure presented to us has been well thought out and therefore it is the one that we should tie to and adopt. I respect the views of the gentleman from New York who offered the amendment.

Mr. Chairman, I want to say that the overwhelming majority of those of us in the House some time or other have served in the Armed Forces of this country. I know that I did. When we came out of the Armed Forces, the majority of us decided to take part in the work of some patriotic organization. I have done that. I like the Americanism programs of these patriotic organizations that we are fortunate to have in this country, such as the American Legion, the Veterans of Foreign Wars, the DAV, and the AMVETS. They all have good Americanism programs.

My purpose, when dealing with legislation in this Congress, has been to support those programs so that our Government may be able to accomplish its purpose of rendering service in a democratic way to the people of the United States.

I am one of those who has been saddened in recent years by a succession of opinions, and major opinions, of the U.S. Supreme Court which strike at these Americanism programs of our patriotic organizations. These decisions, major in their scope, have sought to make it more difficult to accomplish the democratic processes of the Government of the United States.

I served for years on the Committee on Armed Services. I was there during two World Wars, and I can tell you this: You cannot win a war without the cooperation of the several States. When war comes along we dump authority upon the States and ask for their full and complete cooperation to win that war; and the States should give that cooperation.

You have to have that kind of cooperation if you are going to do it. The draft is only one instance. Civil defense is another. But there are a thousand duties and responsibilities which we put on the several States in order to bring victory to our flag and to our Government. You cannot afford to take away from the States the right to cooperate in punishing for sedition and matters of that sort in order to obtain the support and accomplish the purposes of our Government. You cannot take those powers away from them and then expect the several States in time of great emergency to fully cooperate in every way.

Of course, I am saddened by the decisions of the Supreme Court which have placed the Communists on a pedestal and have made it more difficult to accomplish orderly procedures in our Government. They have thrown judicial rocks in the path of our freedom as a nation.

Mr. Chairman, many of us in this Congress are dissatisfied with recent decisions, coming out in large numbers, of the U.S. Supreme Court. This Court is the highest judicial tribunal in the Nation. It gets all of its powers from our Constitution, but it is the last source by which our Federal laws are interpreted.

In recent years this Court has, in my judgment, gone far afield in some of its decisions. Many of them are legislative decisions—that is, changing our laws by judicial interpretation. Many of them reverse jurisprudence of many years' standing and by doing this they become retroactive in effect. Almost all of the decisions of which I complain strike at efforts being made to properly defend and protect our Government. This is the reason many patriotic organizations have joined in criticizing the Court for its new type of decisions.

H.R. 3 is a bill which will put into permanent law a definite construction of our Federal statutes. This bill is very simple in its scope and aims. It simply declares that the Federal courts shall not construe any statute as indicating an intent on the part of Congress to occupy the field in which it operates, to the exclusion of all State laws on the same subject matter unless such act contains an express provision to that effect. The only exception to the rule of interpretation would be where there is a direct and positive conflict between the Federal law and State law in existence. In this event, of course, the State law would give way to the Federal statute.

This bill is made necessary by the ruling in the case of Nelson against Commonwealth of Pennsylvania. In this single case the Supreme Court held that the State of Pennsylvania could not punish under its own laws for sedition—an effort to undermine the U.S. Government. Instead of encouraging the States to assist and cooperate in maintaining orderly government, by this ruling of interpretation the U.S. Supreme Court actually rebukes the States for seeking to cooperate. And this is the case in the face of 168 years of continuous jurisprudence to the contrary.

Should H.R. 3 become law, this country will know in advance that the States are not robbed and denied of their normal operating powers unless the Federal statute specifically specifies. For instance, in such things as veterans, legislation on flood control, interstate commerce legislation, and a host of problems such as this, the State may proceed with its own statutes and with the application of its own laws, provided only that they do not conflict with the laws of the United States.

Unfortunately the decisions which the Supreme Court of the United States has recently rendered, and regarding which I complain, almost entirely favor communism or communistic causes. Whether this be by chance or by definite doctrinal beliefs makes no difference. The fact is that operating under these new opinions of the U.S. Supreme Court, the punishment of communism and the maintaining of our orderly government against communism and communistic sympathizers has become more difficult. Tragic, is it not, that, with the Nation

engaged in a cold war with the Soviet Union in which we are spending multiplied billions of dollars of our wealth and giving without stint of our energy and even the loss of life of our people, we should find the pathway strewn with judicial rocks thrown in our way by our final legislative tribunal—the U.S. Supreme Court.

I wish the time permitted here a full analysis of the many decisions to which I refer. I will have to forego this opportunity and take them up at a later date. H.R. 3 will not cure all of the things of which I complain, but it will efface from our jurisprudence the odious effects of the Nelson against Pennsylvania decision and again revivify our States with the knowledge that they are indeed a part of a Union of States and that we need their help not only to enforce our laws against destruction of the States themselves, but also to protect and maintain within its constitutional sphere the U.S. Government itself.

Mr. KASEM. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield.

Mr. KASEM. I would like the gentleman to tell us, in his use of the word "Americanism," how his definition of Americanism applies to people with the right of free speech who hold unorthodox or unconventional views.

Mr. BROOKS of Louisiana. I will answer and cheerfully answer the gentleman. Of course, I subscribe to the first 10 amendments of the Constitution which is our Bill of Rights—and I subscribe to every part of them. But I want to tell the gentleman this. I do not go along with any of these Communists or any of these Pinkos when they seek to tear down this Government by force and violence or by other means destroy the orderly processes of democratic government. I am against it and when the Supreme Court renders a decision which makes the accomplishment of their purposes easier, I think the Supreme Court has been beguiled and is misguided and deluded and has gone down the wrong path as far as democracy is concerned.

Mr. WILLIS. Mr. Chairman, I move that debate on the pending amendment and all amendments thereto close in 5 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognies the gentleman from Georgia [Mr. PILCHER].

Mr. PILCHER. Mr. Chairman, regarding the letter from Mr. Ellis, I have just talked to Mr. Walter Harrison, national president of the Rural Electric Cooperative Association, and he says he is 100 percent in favor of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I just want to point out that the amendment offered by the gentleman from New York [Mr. LINDSAY] would leave the doctrine of preemption by implication as announced or expounded in the Nelson case untouched. It would expressly say that the Congress did not intend the Smith Act to strike down State laws dealing with sedition. But since it does not deal with the rules of construction—and that is what this bill is about—by implication, if we were to adopt the Lindsay amendment, we would be putting our stamp of approval upon the doctrine of preemption by implication, and for that reason the amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. QUIGLEY].

Mr. QUIGLEY. Mr. Chairman, in accordance with my own House rule 3, I want to say at the outset, I rise in support of the amendment offered by the gentleman from New York.

I want to take the remaining half minute to extend congratulations to the gentleman from Georgia and the gentleman from Kentucky. Nothing they said in their argument impressed me as much as the fact that they completed their statements. When their oratorical flights had them floating somewhere between a coronary and apoplexy, I suddenly realized for the first time why the American Medical Association endorses the bill, H.R. 3.

Seriously, the amendment proposed by the gentleman from New York is the sensible approach to this problem, his reasoning is sound. I agree with him on the Nelson and Uphaus cases. Section 2 of H.R. 3 is not needed but section 1 spells absolute minatory of our American jurisprudence. For these reasons I urge adoption of his amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise only to say to the gentleman from Louisiana [Mr. BROOKS] that I appreciate his comments.

The purpose of this amendment is to give an opportunity to the Members of the Committee to vote on the question of the Nelson case, but it removes all the surplusage and all the unnecessary and unwise material that surrounds it.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WILLIAMS].

(By unanimous consent Mr. WILLIAMS yielded his time to Mr. WILLIS.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. BOYLE. Mr. Chairman, will the gentleman yield?

Mr. MCCULLOCH. I yield to the gentleman from Illinois.

Mr. BOYLE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BOYLE. Mr. Chairman, although a firm believer in the philosophy of legislative government by the 20 separate and distinct committees which compose the legislative branch of the House of Representatives, I feel that I have a right to participate in this debate and to take an active part in opposing H.R. 3, the so-called antipreemption bill off my 3 years of association with the Judiciary Committee in the 84th and 85th Congresses, where I listened to testimony, studied various bills, researched the United States Code, Supreme Court decisions, and the general history of the instant legislation.

Incidentally, this legislation, known as H.R. 3, bore the same number in the last two Congresses. It was the subject of hearings by the House Committee on the Judiciary in the 84th Congress—Hearings, House Committee on the Judiciary, serial No. 9, parts 1 and 2, 84th Congress. The bill at that time was similar to section 1 of the instant bill and was reported by the House Judiciary Committee in an amended version limiting the effect of its provisions to the fields of subversion or sedition against the United States—House Report 2576, 84th Congress. The amended version was the same as section 2 of the instant bill.

In the 85th Congress a bill also known as H.R. 3 was the subject of hearings before the full Judiciary Committee.

The present H.R. 3, containing two sections, is identical with H.R. 3 of last year as it passed the House.

The five following decisions in recent years have provided serious discussion regarding the doctrine of preemption which has been held for over 100 years to be the necessary ingredient in our Federal system: *Pennsylvania* v. *Nelson* (350 U.S. 497 (1956)), *Phillips Petroleum Co.* v. *Wisconsin* (347 U.S. 672 (1954)), *Slockower* v. *The Board of Higher Education* (350 U.S. 551 (1956)), *Railway Employees' Dept.* v. *Hanson* (351 U.S. 225 (1956)), *Cloverleaf Co.* v. *Patterson* (315 U.S. 148 (1942)). The proponents of the bill, who would like Congress to believe that the present constitution of the Court has made for an abandonment of its traditional and time-honored approach to cases of this character, are not familiar with the time-honored and time-tested doctrine of preemption.

The effect of the proposed legislation may be to subordinate Federal legislation to State law, despite the specific constitutional provision that Federal laws under the Constitution shall be the supreme law of the land.

The proposed measure, contrary to the principle of a separation of powers, would usurp the function of judicial review, for it interposes limitations on the Supreme Court's freedom to interpret the national supremacy clause—article 6—in conformity with its own standards of construction.

The legislation has been viewed by certain opponents thereof as part of a drive in the name of States rights to undermine the prestige and authority of the Supreme Court and the Constitution

Passage of the bill in its present form would give rise to serious uncertainties as to its effect on judicial construction of State statutes applicable in a field in which Congress has the power to act but has not yet acted.

To the extent that the bill, upon passage, is accorded retroactive application its enactment would inundate already overburdened Federal courts with lawsuits instituted for the purpose of ob-

taining a judicial reappraisal of the operative effect hitherto extended to existing Federal statutes.

The processing of these lawsuits will affect Federal law enforcement adversely.

The measure would effect an appreciable increase in duplication of effort and resulting annoyance occasioned by the necessity of complying with a multiplicity of overlapping laws, State and Federal, all purporting to regulate the same line of activity.

The issue of concurrent jurisdiction should be dealt with by Congress on a statute-to-statute basis and not by recourse to a single, abstract principle embodied in the proposed bill. If Congress is dissatisfied with a judicial interpretation of the operative effect of a single Federal law and believes that the court departed from its intent, it can correct that result by amending the law.

Adoption of the proposed measure will render more difficult the enactment of legislation effecting a uniform national system of regulation.

To require Congress, as a prerequisite to achieving the maximum coverage for its legislation, to incorporate into each law that it adopts a provision expressly manifesting an intention to occupy the field is to involve the legislative branch in additional controversy and to increase the likelihood of defeat of many significant measures on an issue extraneous to its merits.

If the proposed legislation is enacted many Federal statutes, through failure of Congress to incorporate therein a provision expressly manifesting an intention to occupy the field, will prove unworkable. For example, the Federal safety-coupler law, United States Code 45: 2, enforced as to railroad equipment moving in intrastate commerce, probably could not be given equivalent operative effect after passage of the proposed bill—*Southern Ry.* v. *U.S.* (1911), 222 U.S. 11.

Passage of the bill also may have the effect of reviving State aviation legislation insofar as it could be applied to planes engaged in local flights, and thus of affecting adversely enforcement of relevant Federal legislation.

To the extent that adoption of this bill will enable States to exercise jurisdiction concurrently with the Federal Government over unfair labor practices and labor representation controversies, the result can be only chaos and confusion. States would be unable to handle those aspects of a labor dispute as to which State labor laws differed from the Federal law. Thus, if a State labor law was directed solely at unfair practices by employers, but not by employees, cases involving the former could be disposed of by the State labor agency but allegations directed at employees could be reviewed only by the National Labor Relations Board.

Passage of this legislation also would unsettle previous judicial interpretation under which provisions of the Federal Communications Act were held to apply to intrastate telephonic communications—*Weiss* v. *U.S.* (1939), 308 U.S. 321.

This, in spite of the fact that the proponents have reported it to be a simple measure of limited scope designed to cure a great evil—the unnecessary invalidation of State laws by the Supreme Court. Actually it is one of the most complicated measures ever to come before Congress, and instead of mending any defect in Federal-State relations it would unloose a veritable plague of confusion as to where the Federal law ends and State law begins. The bill is in the form of a mandate to the courts. It provides that no act of Congress shall be construed as indicating an intent on the part of Congress to occupy the field in which such act operates, to the exclusion of all State laws, on the subject matter, unless such act contains an express provision to the effect or unless there is a direct and positive conflict between such act and a State law so that the two cannot be reconciled or consistently stand together.

The passage of this bill would give Congress the very real obligation to reevaluate and reform all existing Federal statutes in order to determine whether or not each statute shall expressly preempt State and local laws. That task would keep Congress in session until next year. With this chimera, monstrous absurdity or absurd monstrosity on the books, Congress would be fortunate if it straightened out the law in several years of continuous session.

Originally this bill was designed chiefly to upset the Supreme Court's decision in the Steve Nelson case. It was commonly assumed that the Court in that case had invalidated State laws dealing with subversion against the Federal Government. In the recent Uphaus case, however, a majority of the Court said that the enforceability of the Pennsylvania Sedition Act had merely been superseded by the Federal Smith Act. "All the Nelson opinion proscribed," the Court said, "was a race between Federal and State prosecutors to the courthouse door." That seems to leave the States all the leeway that would be tolerable in fighting subversion which is primarily a national concern.

Despite the clarification of the Court's intention or even shift in its position, the demand for a brutal shotgun remedy is being pressed here today.

I plead with you not to vote for this leap into the dark without knowing what the outcome may be. Seldom have we been in such grave danger of playing the role of wrecker under the pretense of straightening out the law.

Let me reiterate that an independent judiciary has always been the backbone of democracy. Any limitation on this independence poses a threat to civil liberties and to freedom equal to any threat by any dictator or any foreign governments.

I respectfully recommend the defeat of H.R. 3.

Mr. McCULLOCH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WILLIS] for 1½ minutes to close the debate.

Mr. WILLIS. Mr. Chairman, I do not expect to take even a minute and a half. I want to call to the attention of the Committee that this amendment seeks to accomplish the very same thing that we just voted down. It is a duplication and rehash. It is the same thing we just defeated.

I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LINDSAY].

The question was taken, and on a division (demanded by Mr. CELLER) there were—ayes 62, noes 134.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

I just want to make the comment that I notice the entire phalanx of Republicans are rushing to the aid of their Attorney General.

Mr. COLLIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. COLLIER: On page 3, following line 6, add as section 3 the following:

"*Provided, however,* That nothing herein contained in this Act shall be construed as subjecting foods, drugs, cosmetics or other articles distributed interstate in compliance with standards, potency, labeling and other requirements of Federal laws and regulations relating thereto, to other and additional requirements made by or under State laws or regulations."

Mr. MEADER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. MEADER. As I understand, the gentleman offers his amendment to page 3, line 6, which has to do with amending the title of the code.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. COLLIER. Yes; if the Chair please.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. COLLIER. In my opinion the ruling of the Chair on the amendment offered by the gentleman from New York [Mr. LINDSAY] as to its being in order and as to its propriety, would appy with equal force to this amendment which does nothing more than add as section 3 a clarification of the subject matter of section 1.

The CHAIRMAN (Mr. THOMPSON of Texas). The Chair is prepared to rule.

Again, the Chair has only to rule on the question of the germaneness of the amendment. The Chair believes the amendment is germane and, therefore, overrules the point of order.

The gentleman from Illinois is recognized in support of his amendment.

Mr. COLLIER. Mr. Chairman, I had proposed to offer this amendment to section 1, of course; and I might say had it been offered, at that point, it would have been in the interest of the best legislative construction of the bill. Since, however, I arrived after the train left the station, I have no alternative but to offer it at this place. Let me say, and make it very clear, that whether or not this amendment is adopted I will wholeheartedly support the legislation.

The purpose of the amendment is to do nothing more than to spell out very

clearly the intent of this legislation insofar as it affects the area of regulation under the Food, Drug and Cosmetics Act. I have been told, and I might add I consulted members of the committee handling this legislation and told them I intended to offer this amendment, that it was unnecessary by reason of the general construction of the law. If that is so, I can only say that this is perhaps the same as the case of worrying about a screen if the window is closed. By the same reasoning it would do no harm and would offer a definition of the intent of this act if we were to adopt my amendment.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Michigan.

Mr. MEADER. I would like to ask the gentleman whether it is his intention in offering this amendment merely to maintain the status quo in the relationship between the Federal Government and the State governments in the field of food, drugs and cosmetics, or it is intended by his amendment to take away from the States some of the power they now have in that area?

Mr. COLLIER. Let me say without equivocation to the gentleman from Michigan that there is no intent to do anything other than to maintain the relationship status quo. As I said before, this simply spells out the intent of the bill as the committee advised me it was intended.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from New York.

Mr. LINDSAY. As I understand it, what the gentleman seeks to do by this amendment is to make sure that some degree of uniformity is maintained with respect to the food and drug laws and that the Federal statutes shall remain paramount; is that correct?

Mr. COLLIER. That is correct.

Mr. LINDSAY. Is not the gentleman a little fearful that if H.R. 3 is adopted there might be some reactivation of some of the State laws which may be in conflict or might otherwise require duplication or other areas of difficulty in the administration of the food and drug laws?

Mr. COLLIER. Let me say, imagining the likelihood of 40 or 50 different kinds of labels on various commodities shipped interstate, there is bound to be a reservation of fear in an area in which I am particularly interested. However, at the same time, let me say that on the assurance of many of the good legal minds of the committee I have been told that this is sufficiently safeguarded by the application of the act itself.

Mr. LINDSAY. I compliment the gentleman on his caution in this regard, and he is particularly concerned about the food and drug laws. I think his amendment is an excellent one. If he has any other areas of fear or concern about the effects of this bill, I suggest he start checking the United States Code from top to bottom to make sure he does not miss anything.

Mr. COLLIER. In view of the hour, there is no desire to go beyond the amendment that I have before me.

Mr. Chairman, I urge the adoption of my amendment.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, H.R. 3 is the most important piece of legislation to come before this body in the 13 years that I have been privileged to serve as a Member. It is particularly important because it is a restatement of the basic philosophy which has served our people as the guardian of their liberties throughout the life of this Republic.

This legislation is vitally important at this time because its purpose is to shore up the weakened foundations upon which this Republic was built; foundations which have been weakened by the battering rams of recent sociological decisions of an irresponsible Supreme Court.

It is difficult, if not in fact impossible, for me to understand how anyone who has read and studied the Constitution of the United States, and who has taken an oath in the presence of Almighty God and his fellow men to support and defend that Constitution, can reconcile a vote against this bill in the light of that oath.

President Eisenhower stated the real cause for H.R. 3 in a speech he made in 1952, in which he said:

> The Federal Government did not create the States of this Republic. The States created the Federal Government. The creation should not supersede the creator. For, if the States lose their meaning, our entire system of Government loses its meaning, and the next step is the rise of the centralized national state in which the seeds of autocracy can take root and grow.

President Franklin D. Roosevelt, in 1930, stated the cause for H.R. 3 when he said:

> We are safe from departure from the principles on which this country was founded just so long as the individual home rule of the States is scrupulously preserved and fought for whenever it seems in danger.

Mr. Chairman, members of the great Democratic Party proclaim to advance the philosophy of Jefferson, the founder of our party. Annually, lavish praise is heaped upon the memory of this great architect of American liberty in the party's Jefferson-Jackson Day dinners, Perhaps no greater advocates of States rights ever lived than the two patron saints of the Democratic Party, Jefferson and Jackson, and it is indeed sad to note that so many who profess to embrace their philosophy of government oppose the principles of H.R. 3.

It was Jefferson's belief, as he stated in his writings, that it is not through the assumption or concentration of power, but by its very distribution, that good government is effected.

In 1811, Jefferson declared:

> But the true barriers of our liberty in this country are our State governments.

Later, he cautioned:

> The States should be watchful to note every material usurpation on their rights; to denounce them as they occur in the most peremptory terms.

The doctrine of preemption which has been followed by the Court in recent years is, indeed, a dangerous encroachment against the sovereign powers of the several States as reserved unto themselves under the Constitution, and should, as Jefferson said, be denounced in the most "peremptory terms."

That the Federal Government should be one of unlimited powers, with the power to erase from the statute books the laws of the several States passed in the due exercise of their reserved powers, was never intended by the Founding Fathers. Indeed, if it had been intended that the Federal Government should exercise unlimited powers, there would have been no need for a written constitution—for that is the very purpose to be served by a written constitution: to specify the powers to be exercised by governments, and to limit such authority to those powers specifically delegated.

Opponents of H.R. 3 appear to base their position on a distrust of the people as they act through their State legislatures, and appear to presume that the Central Government, the Federal Government, is the repository of all wisdom, and the exemplification of all that is just and good. I cannot subscribe to any theory which suggests that the sovereignty of the people should be preempted by the wishes of nine appointed judges, or action of the Federal Congress whether so empowered to act by the Constitution or not.

Mr. Chairman, in the interest of preserving our dual sovereignty form of government; in the interest of preserving the rights of the States and the liberties of the people; in the interest of maintaining inviolate the structure of our Republic, I hope that this bill will be given overwhelming support.

Mr. SCHWENGEL. Mr. Chairman, in seeking to objectively evaluate the H.R. 3 and what effect it might have on Federal-State relations, I have called upon a member of my legislative research team to formulate an opinion which I might include as a part of the discussion on this issue. These remarks were prepared by Warren Wood, of Davenport, Iowa, an attorney who has made some valuable studies for me and whose opinions I respect and explain, at least in part, my reasons for opposition to this legislation:

H.R. 3 Too Drastic

The Smith bill, as all other substitutes for judicial thinking should be criticized as constituting mechanical jurisprudence. What is the result when the report of a committee hearing and all other conventional tools for determining legislative intent clearly establish an intent on the part of Congress to occupy the field in which a specified act operates, but through legislative oversight or inartful draftsmanship such act does not contain an express provision to that effect? By the terms of the Smith bill, the intent of Congress would be defeated by a purely mechanical application of statutes.

Advocates of H.R. 3 would have one believe that they are turning back a tide of preemption by implication emanating from the Supreme Court. We are quick to indict the Supreme Court for indulging in judicial legislation where they have implied our intent in a difficult case, but where is that much-neded self-criticism for our failure to expressly make our intent known? Our

problems in the field of Federal preemption have come as a consequence of a void in expressing legislative intent.

If H.R. 3 were to become law, those who believed that an act preempted the field in which such act was to operate would have to work diligently and probably unsuccessfully to make their preemption intent a part of the legislation. Further, those who held a contrary view would be required to apply little effort with an enhanced chance that the legislation proposed would not preempt the field in which such legislation was to operate. This leaves us with the question of whether or not the opponents of Federal preemption are entitled to a crutch to assist them in achieving their legislative end? This question is not answered by the charge that the proponents of Federal preemption already have a crutch through the medium of the Supreme Court which they contend is now willing to preempt by implication. The stature of the Supreme Court and its application of precedents will give the result desired if only we undertake the task of making our preemption intent explicit.

There is no need to impair a long line of judicial precedents, speculate about the efficacy of H.R. 3, or invite litigation construing it, when a realistic and workable solution is available to us. Recent Supreme Court decisions and our consideration of this bill have helped to define the problem and create a consciousness on our part of a need to be explicit as to our intent. At such time as we have clearly expressed our legislative intent regarding Federal preemption and the charge is validly made that the Supreme Court has indulged in judiical legislation, then, and only then, can we seriously contemplate a remedy as drastic as that proposed in H.R. 3.

Mr. Chairman, my position on H.R. 3 has been supported by outside views which I have sought expressly for the purpose of evaluating my own stand, which I feel to be reasonable on this important matter.

I asked Mr. Harold Golding, a practicing attorney in the District of Columbia, to prepare an analysis of H.R. 3 for me. Mr. Golding's background includes experience as a labor law specialist for the American Trucking Association and service as a labor analyst for the Bureau of Information of the Southeastern Railways.

His analysis points out some aspects of H.R. 3 as they would affect labor-management relations. I want to make them a part of this discussion on the bill because they definitely deserve consideration.

ANALYSIS OF H.R. 3

The commerce clause of the Constitution of the United States gives Congress great latitude in passing legislation which affects persons and activities that are either (1) directly engaged in interstate commerce or (2) are connecting links between intra and interstate commerce. Consequently, the Supreme Court has, by a number of cases before it, rendered decisions that have left the State and Federal legislators, attorneys, and even laymen baffled at just where the Federal sphere pertaining to jurisdiction ends and where the State orbit begins.

Because of the dynamic nature of the economy of the United States, Congress and the States are faced with meeting problems in regulating activities of its citizens. As a consequence much regulatory legislation has been passed by both entities. When, through the maze of regulatory legislation, a conflict, or dispute, arises as to which entity has the "green light" and which does not, the Supreme Court must, of course, look to the intent behind the Federal act. Inasmuch as finding what the intent was behind a particular statute is the essential key to resolving this ever-growing no man's land, the Supreme Court has often groped in the darkness to find the true intent behind a Federal statute.

Many of the opinions rendered by the Court have been labor cases—cases where the stakes are high, and the winner often takes all. The Court, since 1953, has rendered about four important opinions that, along with the Nelson case (350 U.S. 497), have led to the introduction of H.R. 3 before Congress. These remarks will pertain solely to a discussion of preemptive rights as the question affects the rights of management and labor.

LANDMARK CASES DECIDED BY THE SUPREME COURT

At the outset it should be noted that the present Taft-Hartley Act leaves "much to the States, though Congress has refrained from (saying how much)." *Garner* v. *Teamsters* (346 U.S. 485).

On December 14, 1953, Justice Jackson, speaking for the full Court in *Garner* v. *Teamsters,* 346 U.S. 485, held that where there is a potential conflict between the Federal and State remedies pertaining to peaceful picketing, the Federal remedies prevail. In this case the Court held that a State court was precluded from issuing an injunction to prevent peaceful picketing when such activity was in violation of the State law. The emphasis was upon remedies between the two spheres.

As a result of the Garner (supra) holding, many people thought the States were precluded from acting at all except where violence resulted. However, the broad holding of Garner was whittled down on December 7, 1954, when the Court rendered its opinion in *Construction Workers* v. *Laburnam Construction Company,* 347 U.S. 656, 74 S. Ct. 833. In that case the Court held that the State court in Virginia had jurisdiction even though the union's activity was violative of section 8(bX1) of the Taft-Hartley Act. Consequently, the State court was free to pass on damages inflicted on the employer because of the activity of the union. The reason, stated the Court, was that Congress had left an area in which no redress could be obtained for a violation of this section of the act.

"The act does not give such exclusive jurisdiction over subject matter of common law tort action for tort action for damages as would preclude a State court from hearing its issues even though such action is a Federal unfair labor act."

From these two cases, Garner and Laburnam, the Court has rendered such decisions as *Guss* v. *Utah Labor Relations Board,* 353 U.S. 1, the *Gonzales* case, 356 U.S. 617 and a host of others—all of which reflect the holding in either Garner or Laburnam (supra). To suddenly remove these holdings by legislation such as H.R. 3 would make the situation more nebulous than before. Acquired, or vested, rights would be subject to being divested. The result would be only a greater burden on the courts than there is now.

CONCLUSION

H.R. 3 would bring chaotic results to labor legislation. This area is too dynamic to be tampered with by indiscriminate legislation. It is one area where there is a need for standardization—else one State would be prey to another to restrict management or employee rights. As stated in *Guss* v. *Utah Labor Relations Board,* 353 U.S. 1, 77 S. Ct. 598:

"Congress, in the National Labor Relations Act, expressed its judgment in favor of uniform Federal regulation of labor relations matters affecting interstate commerce; since Congress' power in the area of interstate commerce is plenary."

Though the decisions of the Supreme Court recently have not been popular ones, the Court has obtained them from its former holdings in either of the two aforementioned cases, Garner and Laburnam. These two cases represent wise reasoning, and if any change should be forthcoming, it should be through amendments of the existing law, Taft-Hartley, not by a shotgun approach such as H.R. 3.

Mr. ALGER. Mr. Chairman, H.R. 3, an effort to protect States rights from Federal encroachment, should not be necessary. Proposing it is like restating the 9th and 10th amendments to the Constitution for congressional action. Unfortunately, H.R. 3 is needed; unfortunately, the 9th and 10th amendments seem to be forgotten by Congress; unfortunately the Federal bureaucracy has grown until H.R. 3 may be too little too late. But it is a step in the right direction, minimum though it is. It will not undo much damage done to States and individuals' rights. It is better than nothing. In fact, anything we do to preserve the governmental checks and balances of traditional constitutionalism will be for the best interests of our citizens. H.R. 3 moves in this direction. I am heartily for it and hope it will be passed overwhelmingly.

Mr. ABBITT. Mr. Chairman, I rise in support of H.R. 3, which bill has for its purpose establishing rules of interpretation for Federal courts involving the doctrine of Federal preemption. This is a very simple bill as well as easy to understand. The bill has two sections. The first section seeks to preserve an orderly balance of power between the States and the Federal Government. It makes no substantive change in any existing law. In simple language, readily understandable, it provides a rule of construction for Federal courts in interpreting the intent of Congress in legislation affecting both State and Federal interests.

The appellate courts in recent years have been in an all-out race to impose upon the States and the citizens of this country their own political and sociological views and theories by legislating through usurpation of authority never granted the judiciary by the Constitution or the Congress. Frequently the court has construed acts of Congress contrary to the plain intent of the language used and by judicial fiat has written in intentions never dreamed of when the act was passed.

This section merely upholds and protects the laws of the several States when they are not in conflict with the Federal Constitution or a valid act of Congress. It will partially stop the Supreme Court from enacting legislation by court decree. It will slow up usurpation of authority by the Federal judiciary.

Section 1 in effect tells the Federal court that, first, if Congress intends by an act to set aside State laws, it will say so and it is not up to the Supreme Court to guess the intent of the Congress; and, second, State laws must not be annulled by Federal laws unless they are in direct conflict.

Section 2 of the bill specifically restores the vitality to all State sedition laws set aside by the Supreme Court in

the infamous case of the notorious Communist, Steve Nelson. It is intended simply to clarify the plain intent of Congress not to prohibit State enforcement of criminal penalties in the field of subversion.

Mr. RAINS. Mr. Chairman, I rise in support of H.R. 3, which is necessary legislation if we are to prevent further usurpation of States rights and State laws by the Supreme Court. This is not a sectional bill nor does it have to do with race or creed. Its sole purpose is to prevent the Supreme Court from nullifying State laws simply because the Federal law covers a similar area and where Congress has expressed no intention of preempting a State law.

The wise men who composed the Constitutional Convention of 1787 were determined to establish a government of laws and not of men. To prevent the exercise of arbitrary powers by the Federal Government they embodied in the Constitution the doctrine of separation of governmental powers. They delegated to the Federal Government powers necessary to enable it to discharge its functions as a central government and they left to each State the power to regulate its own internal affairs. It was this use of the doctrine of the separation of powers which prompted Chief Justice Salmon P. Chase to make the following observation in Texas against White:

> The Constitution, in all its provisions, looks to an indestructible union, composed of indestructible States.

In recent times we have found the Supreme Court striking at the powers of Congress and at those powers delegated to the States by the explicit language of the 10th amendment.

Let us look at the Court's record. California has been told it cannot punish its residents for criminal offenses committed within its borders if such residents are ignorant of the statutes creating such criminal offenses.

New Mexico and California were served notice that they cannot determine the fitness or qualifications of those who apply to them to practice law in the State courts.

Pennsylvania and New Hampshire have been told that they cannot investigate or punish seditious activities within their borders.

New York was told by the Court that it cannot prescribe standards of propriety and fitness for teachers in the State-supported schools of New York.

And we in Alabama are familiar with the Cloverleaf case which has been cited often during this debate as a salient example of the Court's doctrine of Federal preemption. In an effort to protect the health of its citizens, the State of Alabama sought to inspect a butter plant. Some of the butter made in Alabama was shipped in interstate commerce so the Supreme Court declared that the matter was subject to Federal pure food laws and the State could not legally inspect the operation in Alabama and thus had no right to protect the health of Alabamians consuming the product.

The Supreme Court today has in no way recognized a concurrent jurisdiction. Each of these decisions is a repudiation of State government, an attempt to further weaken the States and thus lead to their destruction.

Sedition laws of 42 States were nullified by the Nelson decision and in effect the law officers of those States are powerless to protect their citizens from the Communist conspiracy or from other seditious acts because the Court decided that the Federal Government had preempted this field. Congress did not intend this when passing the Smith Act, however of late on many fronts we have found the Supreme Court thinking and legislating for us.

It is indeed time that we notify the Court that we in Congress and in the respective States still maintain an abiding faith in the doctrine of separation of powers and that we regard our States as indestructible, despite the sociological thinking of the moment or the passing impressions recorded by those appointed to the High Tribunal.

The pending legislation should be passed with a sense of urgency. I am reminded of Thomas Jefferson's warning:

> There is no danger I apprehend so much as the consolidation of our Government by the noiseless and, therefore, alarming instrumentality of the Supreme Court.

Mr. COHELAN. Mr. Chairman, I wish to commend those members of the House Committee on the Judiciary—Mr. CELLER, Mr. LANE, Mr. FEIGHAN, Mr. RODINO, Mr. ROGERS, Mr. DONOHUE, Mr. HOLTZMAN, Mr. LIBONATI, Mr. TOLL, Mr. KASTENMEIER, Mr. KASEM, Mr. LINDSAY, and Mr. CAHILL—who have clearly and consistently pointed out that H.R. 3 is bad legislation.

Proponents of H.R. 3 would revive certain State laws in various areas, certainly including civil rights, which have been held unconstitutional by the Supreme Court because of their conflict with Federal laws. They would do so by means of this legislation which would repeal the long-established legal rule known as preemption.

In fact, H.R. 3 would probably result in increased preemption in the future, simply because Congress, so as to leave no room for doubt, would specifically so state in each new law. The point is made quite clearly in the minority statement included in Report No. 422 which these gentlemen authored.

Furthermore, because of its general, vague and ambiguous language, H.R. 3 would cause unnecessary re-litigation and create endless confusion. In their wisdom, these gentlemen wrote: "Seldom has this House had before it a bill so productive of chaos in the legal relationships governing substantial areas of American economic and political life."

I thank them for their thorough and responsible analysis of this legislation and I join them in voting against H.R. 3.

Mr. HOLTZMAN. Mr. Chairman, last year when H.R. 3 was before the House of Representatives I opposed it, and had previously opposed it in the Committee on the Judiciary.

This year I again signed the minority report on the bill, and intend to vote against it at this time.

Section 1 of H.R. 3 deals with the preemption theory, and section 2 of the bill deals with the enforcement of State statutes. In my opinion the broad sweeping language is an open invitation to the States to enter fields of legislation heretofore considered to be solely Federal jurisdiction. In effect the enactment of this legislation could change the meaning of statutes which have been on the books for many years, and it is not hard to imagine the chaos which could and would result. This section goes far beyond the area of State sedition statutes, which was one of the factors motivating the introduction of the bill, and would affect questions of interstate commerce, labor relations, criminal law, and so forth. The one case which has been most significant in the move for support of H.R. 3 is the Nelson case. The Supreme Court had affirmed the decision of Pennsylvania's highest court in declaring unconstitutional that State's sedition law insofar as it applied to subversive activities. If we were considering a bill the sole intent of which would be to correct that final decision, as I mentioned last year, there is a good possibility that it might merit the favorable consideration of the House. However, this is so patently a broadside attack on the Supreme Court by those who have been dissatisfied with some of the decisions of the Court that it could very well upset completely the balance of power between the Federal and State Governments.

For years we have heard complaints about the congestion of our Federal court calendars, and I would like to point out again that if this bill is enacted we will face an immediate need of doubling the number of Federal judges now sitting in order to cope with the litigation which will arise. If the bill is passed, it will really mean that we, the Members of the 86th Congress, will be trying to interpret the intent of every past Congress which had previously enacted any statutes. In addition, we would be trying to bind every future Congress in the enactment of statutes in the years to come.

There is no need for H.R. 3, and it will only bring about confusion and conflict. It is my firm opinion that the proponents of the bill do not realize the Pandora's box of troubles and delays will be opened by the provisions of the bill, and I feel that if such a bill is passed, these proponents will be among the first to ask a future Congress for relief from the burdens imposed.

Mr. EDMONDSON. Mr. Chairman, I have listened to the debate of this bill, from start to finish, with keen interest and a genuine desire to vote the best interests of our country.

There have been compelling and eloquent arguments for it, and I share the concern of my good friend from Virginia, Mr. SMITH, over judicial decisions that have questioned the rights of the States to meet serious public health, economic and safety problems in the States.

On the other hand, I am most seriously disturbed by the likely effects of this legislation upon the critical and all-important field of internal security.

The work of the FBI, in meeting the very serious challenge of the Communist conspiracy, could in my opinion be se-

verely hampered and impaired by this bill. The mishandling or bungling of a single major espionage or subversive activities case, as a result of State invasion of this field, could have the most serious consequences.

Primarily because this bill opens wide the door and even encourages a State and local invasion of the basically national problem of subversive activities and internal security, I must vote against the bill.

Mr. ULLMAN. Mr. Chairman, I am opposed to H.R. 3 and shall vote against it. Its meaning is unclear; its effect uncertain; its necessity not established.

Mr. Chairman, an attempt to remold a century and a half of the legal precedents governing Federal-State relationships by the enactment of a two sentence bill is indeed an ambitious undertaking. We are even more amazed at the grandness of this undertaking when we recall that the remolding process is to be accomplished by establishing a supposedly infallible standard in an area of jurisprudence least susceptible to rigidity.

Undoubtedly, Congress has been disturbed in the past by court interpretations of congressional intent. Assuredly such situations will arise in the future. However, distaste for the Nelson decision, or for any other judicial interpretation of the operative effective of a law can hardly justify sweeping legislation seeking to nullify uniform Federal regulation in the field of labor, transportation, criminal law, and similar areas. Assuredly a wiser policy would be the correction of the allegedly misinterpreted law so as to clarify congressional intent. This has been done in the past and the same can be accomplished in the future.

Mr. Chairman, I commend this wiser, if less spectacular, approach and urge my colleagues to reject the legislation now before the committee.

Mr. FISHER. Mr. Chairman, I simply want to associate myself with the position taken by the gentleman from Virginia [Mr. SMITH], the author of H.R. 3. Mr. SMITH, one of the most able and statesmanlike Members of this body who has served here for years, has made out what in my judgment is a conclusive case in support of the bill. He has been ably assisted in the presentation by the gentleman from Louisiana [Mr. WILLIS], the gentleman from Mississippi [Mr. COLMER], and a number of others. They deserve the gratitude and commendation not only of the Congress but also of the entire country.

The bill is so simple it really should be the subject of very little debate. It simply provides a rule of statutory construction to guide the courts in future actions in construing existing statutes and any additional laws that may be enacted. It provides that no act of Congress shall be construed as indicating an intent on the part of Congress to occupy the field in which such act operates, to the exclusion of all State laws on the same subject matter—subjects in which both the State and Federal Governments have concurrent constitutional 'jurisdiction—unless there is a direct and positive conflict between such act and a State law so that the two cannot be reconciled or consistently stand together.

The bill, if enacted, will go a long way toward correcting some grave errors made in recent years by the Supreme Court in constructions of statutes completely contrary to the intention of the Congress. In following such a course the Court has invaded the jurisdiction of the States, and has upset interpretations that have obtained for a hundred years. Let us here and now restore to the States their time-honored constitutional rights and prerogatives in this field. Let us once and for all resolve this issue and remove the confusion that has arisen as a result of the recent Supreme Court decisions.

Mr. JACKSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the pending legislation. The debate on H.R. 3 is certainly to the learned members of the legal profession here in the House what the Olympic games are to sportsdom. Those who can determine these fine points of law have many of the nonlawyers in the mental frame of mind of the witness in a legal action which involved the theft of a car. He was asked by counsel, Are you sure that this is the man who stole your car?

The witness replied, I was until your cross examination. Now I am not even sure I ever owned a car.

However, the debate on H.R. 3 has served to convince the gentleman now addressing the House of one fact, and that is that whatever position one takes on this measure he has an abundant weight of legal talent to support his stand. I am not a member of the bar, therefore I am not qualified nor shall I presume to go to the fine points of controversy in the measure.

I have heard it said in the debate, however, that some of us in the House who support H.R. 3 are motivated, to some extent at least, by sheer emotion and that our reasoning cannot meet a realistic appraisal of the things which may conceivably occur in the delicate area of Federal-State relationship if the measure should be passed by both Houses of Congress and signed by the President.

Whether the support of others in the House for the instant bill springs from emotion or from conviction which in turn stems from the most painstaking analysis of its provisions, I cannot say. For my part, I am frank to admit that my support of H.R. 3 is, in major part, emotional. This may shock some of the opponents of the bill, and even cause some of its proponents embarrassment.

But, Mr. Chairman, I submit that all laws, since the Codes of Hammurabi and Solon, have been enacted out of the deep emotions of human beings and their profound conviction that certain events and circumstances peculiar to their eras required remedial legislation. Is there any who would say that the Constitution of the United States and the subsequent Bill of Rights were not direct reflections of human emotions stirred to legislative action by persecution and tyranny? Who would contend that the scene enacted under the branches of Charter Oak was not an emotional drama played by men weary of oppression. The rack and the thumbscrew of the inquisition were natural instruments for the creation of human emotions of pain and misery, later to be translated into the body of law.

To be emotional about H.R. 3 is not difficult. One need not have labored over Blackstone or other authorities in law to read the clear language of the Constitution. If this and other Congresses have strayed afield in the passage of legislation infringing upon the clear language of amendment 10 of the Constitution, it is certainly not emotional to seek to direct government back to its intended course vis-a-vis its relationship with the several sovereign States. If conflicts appear between the provisions of H.R. 3 and previous laws enacted by former Congresses, can we not meet these instances in a forthright manner as they become apparent to us and to successor bodies? It appears to me that to compound the mistakes of the past by piling on them the errors of the present and future only insures that we will drift further and further afield as time goes by. To this degree, at least, emotion plays no part in my conviction that we should act promptly to restore a proper balance in this important area of our national life.

Mr. Chairman, in the recent colloquy between the gentleman from New York, the chairman of the committee, and myself, a very significant fact emerged. There is a body of opinion in this House that does not want any infringement of Federal activities already instituted. To my mind this is a dangerous philosophy. I cannot understand why a State of this Union, any State, should not institute a rural electrification program if the legislature of that State and the people of that State want such a program.

Mr. Chairman, I urge the adoption of H.R. 3.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened to the remarks of the gentleman from California and I gather from those remarks the following: That the gentleman is confused and in a highly emotional state and therefore he is going to vote for the bill.

Mr. WILLIS. Mr. Chairman, I move that all debate on this bill and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, there have been times in the history of our Nation when the Supreme Court has been the center of controversy. Seldom, however, has the controversy been over an attempt by the Court to usurp the clear and unmistakable power of the legislative branch of the Government. This is the real point before us today.

There is real concern throughout our land over the trend of the Court as now constituted. In a line of decisions rendered during the past few years the Court has clearly and unmistakenly trespassed upon the right of the Congress to

legislate. It has trespassed upon the rights of the States. It is trespassing upon the clear and unmistakable interpretations of the Constitution. In construing various statutes, particularly the Smith Act, it has read into its decisions language which the Congress did not include and an intent on the part of the Congress which no fair interpretation of the statutes or of the debates preceding and attendant to their enactment would imply.

The conduct of the Court has been such as to move the country toward an all powerful central government in Washington which the founders of our country and the authors of our Constitution made every effort to avoid. The decisions of the Court which are leading us in this direction have caused tremendous concern throughout our land. The concern is still with us and will continue to be unless and until this Congress does something about it. And, by the way, the vast majority of the people of our great country are today and have been for quite some time looking to and expecting us to do something about it.

Admittedly there is a philosophy to the contrary among some of our people. There are those who sincerely believe in an all-powerful central government. They support the theory that government from Washington is better than government from the States. The Hamiltonian theory has always been prevalent among some segments of our population. However, it has always been in the minority and it is in the minority now. Those who adhere to this philosophy are at this hour defending the Supreme Court, a privilege which I agree is rightfully theirs.

To mention some of them, it seems that most of the leadership of the national labor movement favor a strong central Federal Government. They have poured messages upon this Congress in opposition to the pending bill which actually are not in point and evidently designed only to confuse. The same applies to one of the racial minority organizations, when it is a well known fact and conceded by the most eminent of our lawyers that the pending bill is not designed to nor does it affect the so-called rights which they contend they are trying to protect.

And I am really astounded that the head of the National Rural Electric Power Association would dispatch such a message as he has sent to the various Members of the Congress. I know he is not speaking for the REA managers or the patrons of the various rural electric power associations in my district.

But as I say, Mr. Chairman, these objectors have a right to oppose this legislation. They have a right to support an all-powerful central Federal Government. They have a right to support the current trend of the Supreme Court which is destroying the rights and dignity of our States. They have a right to support the theory of transferring the legislative functions of the Congress to the Court. But I repeat their views are in the minority. The people of this country desire that we right the mistakes of the Court and that we do everything we can to confine it to the functions clearly designed for it under our Constitution.

This bill is a step in that direction.

Mr. Chairman, I am happy to have been a coauthor of H.R. 3 which so overwhelmingly passed this body in the last Congress. On the first day of this Congress I was pleased and happy again to join with my colleague, the distinguished gentleman from Virginia [Mr. SMITH], as the coauthor of H.R. 3 now before us. I am confident that we will again pass this bill today and when we do our action will meet with widespread approval throughout the country.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. BARR].

Mr. BARR. Mr. Chairman, I rise in support of the amendment of the distinguished gentleman from Illinois. The food and drug industry is vital and important to the State of Indiana. I should like to make certain that in this legislation we are doing nothing to interfere with an extremely vital and extremely important industry in my Congressional district and in my State.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois.

I fully sympathize with those who fear that interstate industries may be affected by H.R. 3. But I believe when you begin making exceptions and adopting amendments of this kind on the floor of the House, which have not received the consideration of the committee, you may be making bad law.

I believe this amendment, even though its purpose is a good one, would actually harm the legislation. For that reason it should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. KASEM].

Mr. KASEM. Mr. Chairman, I had at the desk two amendments which I shall not now offer because the House's action on limiting time prohibits proper explanation of these amendments. One was to define the operation of the word "conflict", as it is used in this act, because the Supreme Court is going to have trouble with it for the next 20 years if this bill passes. The other one was to take care of a situation that seriously concerns me under this bill, where there is deliberate duplicate legislation by a State, and there is going to be a ton of it if H.R. 3 passes.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I ask unanimous consent that I may be recognized after the vote is taken on the amendment of the gentleman from Illinois, as I have an amendment to offer.

The CHAIRMAN. Without objection, the gentleman may reserve his time.

The Chair recognizes the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois [Mr. COLLIER]. I would ask the gentleman from New York [Mr. CELLER] if this is not an indication of exactly what is wrong with this bill. If we exempt this particular part of the industry of the United States, has the gentleman's committee decided that all the other industries of the United States should not be exempted? It seems to me that until you have done so, obviously this legislation is hasty and ill considered. I hope I am not being emotional, but it would seem that not only the rights of industry but also the rights of human beings need exemption from the effects of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I rise in opposition to the amendment. It has been said time and time again, with authority to support the statement, that the amendment offered to this bill is just not necessary.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Louisiana [Mr. WILLIS].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia.

There was no objection.

Mr. WILLIS. Mr. Chairman, this amendment, of course, should be defeated. I think it is ill considered. It would qualify the Cloverleaf decision of the U.S. Supreme Court and pick out certain areas for this bill to apply to. For instance, it would permit the application of the Pure Food and Drug Act in a wide open field to the exclusion, perhaps, of all State law. I do not know how far the gentleman's amendment would go. It might cross State laws dealing with narcotics. This might even repeal the State narcotics laws. I do not think the fears of the Pure Food and Drug people are well founded. I am sure the amendment was offered in perfect sincerity and offered upon representations of people who might have the idea that this bill would do harm to the food and drug industry. But I assure the gentleman that while I oppose his amendment, the bill, while it will permit States to continue to regulate food and drugs and other health laws, will not do the damage that is anticipated.

Mr. Chairman, I reserve the balance of my time, because there may be other amendments to come.

The CHAIRMAN. The gentleman reserves the balance of his time.

Mr. WILLIS. Mr. Chairman, I move the previous question on the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. COLLIER].

The amendment was rejected.

Mr. FULTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON: On page 3, line 6, at the end thereof, insert the following new section:

"SEC. 3. This Act shall not apply to any provision of law relating to civil rights except to the extent specifically provided by

statute enacted by Congress after the date of enactment of this Act."

Mr. FULTON. Mr. Chairman, I have other amendments and I ask that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will report the other amendments.

The Clerk read as follows:

Amendments offered by Mr. FULTON: On page 3, line 6, at the end thereof insert the following new section:

"This Act shall not apply to any provision of law relating to labor management relationships except to the extent specifically provided by statute enacted by Congress after the date of enactment of this Act."

On page 3, line 6, at the end thereof insert the following new section:

"This Act shall not apply to any provision of law relating to education except to the extent specifically provided by statute enacted by Congress after the date of enactment of this Act."

On page 3, line 6, at the end thereof insert the following new section:

"This Act shall not apply to any provision of law relating to rural electrification except to the extent specifically provided by statute enacted by Congress after the date of enactment of this Act."

On page 3, line 6, at the end thereof insert the following new section:

"This Act shall not apply to any provision of law relating to interstate common carriers except to the extent specifically provided by statute enacted by Congress after the date of enactment of this Act."

Mr. FULTON. The majority report of the House Judiciary Committee on H.R. 3 says this legislation is very limited in scope. The question is: How limited in scope is it? This amendment, consisting of five individual amendments now combined, points out various fields and specifically states that this bill, H.R. 3, as now phrased, does not apply to any provision of law relating to civil rights, education, labor-management relations, rural electrification, and interstate common carriers, fields we are all deeply interested in.

If we read the previous debate, we find Mr. LINDSAY, a Republican, of New York, and Mr. CELLER, a Democrat, of New York, Judiciary Committee members, saying that the bill as now written does apply to these fields. On the other hand, both Mr. COLMER, of Mississippi, and Mr. BROWN, of Ohio, a Democrat and a Republican, say it does not.

In order to clear up the question of the legislative intent of the House, I have offered these amendments which were prepared in advance and taken up with the counsel for the House Judiciary Committee to show clearly that this legislation will not affect nor apply to any provision of law relating to these fields. If the legislation does so apply, I wish you would vote my amendments down.

Mr. CURTIS of Massachusetts. Mr. Chairman, I move to strike out the last word.

This bill has popular appeal as a States rights bill, and as one that will impose some restraint on the Supreme Court with respect to certain types of decisions which have been criticized. But we must consider whether this bill is the right way of attaining those objectives, or whether, on the contrary, it may not prove harmful. I believe that section 1 of this bill is bad legislation for the following reasons:

First. The reasons given for its adoption are unsound. It is said that this bill merely requires the Court to use a standard in preemption cases which it used for many years, and from which it has only recently departed. That standard involved the finding of a direct, positive, and irreconcilable conflict between the State and Federal laws under consideration. It is said that instead of that, the Court has recently adopted a doctrine of "implied preemption," as evidenced in the Nelson case.

The legal situation is not as simple as that. The Court has used no pat formulas to decide the difficult and delicate questions of balance between State and Federal powers involved in these cases. Why, the very first case of Gibbons against Ogden, a hundred years ago, involved implied preemption. There, a monopoly granted by New York for shipping in New York waters was held invalid. It would have been easy to hold such a grant unconstitutional as a burden on interstate commerce, but the Court held that a Federal statute about shipping, under the doctrine of preemption, invalidated the New York legislation.

The Court has specifically stated that it relied on no single set formula, but applied many different tests in different circumstances. The Court has really done a magnificent job in this delicate field for over a hundred years, and has produced a body of law entitled to respect. Only a few of the decisions have been criticized on the ground that they overemphasized the national power. It is a serious error to think that this complex problem can now be solved for all time and for all the difficult and delicate situations that arise, by a three-line statutory formula.

Second. To require the Court to use the proposed new formula would create chaos and confusion. This is the crux of the argument. Opponents of the bill claim that this proposed law would have a retroactive effect, and require relitigation of situations thought to have been settled by past decisions. Proponents deny that the proposed law would have retroactive effect.

It is submitted that the facts are: While the law applies only to future actions, it does not apply only to future statutes. It applies also to past statutes now on the statute books and which have already been construed and fought over.

If, after the passage of this bill, a new case arose on facts which had already been decided under the law as it existed prior to the new rule of interpretation, any lawyer who was consulted on the subject would advise that those facts be again litigated under the new rules of interpretation; that those rules might just make the difference which would bring about a different result in the action. This would result in endless litigation and great uncertainty.

Third. Leading lawyers and organizations are opposed to section 1 of H.R. 3 with its shotgun or omnibus approach to the problem of preemption.

It is important that the record should be correct as to this because it has been suggested that certain important organizations favored this bill, which I submit is not the case. Misunderstanding might well arise because we have a bill that deals with two subjects, the general preemption provision, and the more specific provision to overrule the Nelson case.

One such group is the American Bar Association. This year it took unprecedented and historic action in making a report recommending legislation to change the results of certain Supreme Court decisions, and commenting at length on 24 of those decisions, most of them relating to subversive activities. There was full discussion of the tendencies shown in recent decisions of the Court. Recommendations were adopted by the house of delegates which were designed to be helpful. One of these even concerned the doctrine of preemption, and urged remedial legislation stating the intent of Congress that State statutes proscribing sedition against the United States should have concurrent enforceability.

Yet there was no recommendation or discussion of the sort of general shotgun approach to the problem of preemption brought forward by section 1 of H.R. 3. Under the circumstances this negative fact is a clear indication that the American Bar Association did not favor this approach.

The above-mentioned report and recommendations can be found in the CONGRESSIONAL RECORD of March 5, 1959, page 3362.

Beyond that, the president of the American Bar Association sent a telegram to the Chairman of the House Committee on Judiciary stating that a former approval of a prior bill on this subject is not considered applicable at this time to present legislation which is now under study. This telegram appears in the CONGRESSIONAL RECORD of June 22, 1959, at page 11502.

Another group which was said to be in favor of this bill was the Conference of State Chief Justices. Like the American Bar Association, that group brought out a painstaking report, criticized certain decisions of the Supreme Court and urged restraint upon it. But it also failed to mention or to approve the present proposal as to the doctrine of preemption.

Beyond that, the chairman of the committee who was principally responsible for the report, Judge Frederick W. Brune, of Baltimore, recently testified against this bill. His testimony appears in the CONGRESSIONAL RECORD of June 23, 1959, at page 11644. He was against the bill unless the new rule of interpretation should be made prospective only, applying only to future enactments. This indicates fundamental opposition to the bill as it was before the House. He feared that in that form it would cause confusion. He indicated that in his opinion it would have retroactive effect, opening up for litigation situations which had previously been determined under the old rules of interpretation.

Another group which was said to be in favor of this bill was the National Association of Attorneys General. They are in fact opposed, and their opposition is along the same lines as that of Judge Brune. They believe that the proposal of this bill should be applied only to future enactments. This is a fundamental opposition to the bill as presented to the House. In fact chief proponents of the bill are reported to have said they would prefer no bill at all rather than to have one so limited.

The conference proceedings of the National Association of Attorneys General for 1957 contains the resolution on this subject:

That this association approve the enactment by Congress of legislation to clarify its intent that no future act of Congress shall be considered to exclude any State laws on the same subject matter unless such congressional act contains an express provision to that effect, nor shall such congressional act invalidate a provision of State law which would be valid in the absence of such act unless a power expressly granted to the Federal Government by the Constitution of the United States is involved.

This bill provides a shotgun or meat ax approach to a problem involving the most delicate questions relating to the coordinate powers of the Nation and the States. When we use this approach, it is as though we called upon a plumber to perform a brain operation. We are using a sledgehammer instead of a scalpel.

Mr. WILLIS. Mr. Chairman, I do not think the last amendments were seriously offered. I think the gentleman knows that we know he is opposed to the bill, and what he is trying to do is to strike out all after the enacting clause and to let it be understood that this bill shall not apply to anything—period.

Mr. Chairman, we are now closing debate on this bill. The Members have been very patient. Unfortunately, we cannot always control our emotions.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Chairman, I have asked the gentleman to yield for the purpose of inquiring as to the legislative program for the balance of the week and for next week.

I ask unanimous consent to proceed for 1 minute and that the time not be taken out of the time as fixed by the motion of the gentleman from Louisiana [Mr. WILLIS].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM

Mr. HALLECK. Will the majority leader be good enough to tell us at this time what the program is while the Members are present?

Mr. McCORMACK. After the disposition of this bill, there will be no further program this week. There may be some unanimous consent requests. I know one or two Members have spoken to me and I understand they have been cleared or screened, but no bill will come up for debate.

On Friday the House will meet since the gentleman from Texas [Mr. PATMAN] has obtained a special order to speak in connection with the 25th anniversary of the establishment of the credit unions in the United States.

But there will be no legislation, and I can assure the Members that I will be here and I will protect their rights. But, there will be nothing that will require any Member to be here unless they want to be here on that occasion.

The 25th anniversary of the establishment of the credit unions is a very important matter, but I want Members who have made engagements to know that they will be protected by me.

The program for next week is as follows:

Monday, the supplemental appropriation bill for 1960; and

H.R. 5752, the legal holiday bill for Federal employees.

Tuesday, Wednesday, and Thursday, House joint resolution continuing appropriations. I secured permission from the Speaker for that to be called under a suspension of the rules.

Thereafter S. 1120, amendments to the Federal Reserve Act, a bill which has been pending for the past few weeks.

H.R. 4957, relating to the admission of evidence. This bill deals, I think, with the Mallory decision.

A week from Saturday is July 4. Should there be any rollcalls on Thursday, July 2, it would be agreeable to me to have them go over to the following week. I doubt if there will be a session on Friday.

When we go back into the House I will submit a request with the consent of the leadership on both sides that rollcalls go over to the following Monday for final conclusion.

This announcement is with the usual reservation that any further program may be announced later and that conference reports may be brought up at at any time.

Mr. HALLECK. One further question: If there are votes on Monday next, might they go over to Tuesday?

Mr. McCORMACK. I am perfectly willing that that be done if my friend from Indiana requests it.

Mr. HALLECK. We are all aware of the fact that a number of the Members are going to be away over the weekend on official business. It would be reasonable and fair action to take, and I would be willing to assume all or any part of the responsibility for such an arrangement.

Mr. McCORMACK. That is for a week from Monday?

Mr. HALLECK. Next Monday.

Mr. YATES. Mr. Chairman, will the gentleman from Indiana yield that I might ask the majority leader a question?

Mr. HALLECK. I yield to the gentleman from Illinois.

Mr. YATES. I should like to point out to the majority leader that the Illinois delegation has been invited to attend a celebration for the Queen of England in Chicago on Monday next. Would it be possible to have any rollcalls that might come up on Monday go over to Tuesday so that the Members could attend that dinner?

Mr. McCORMACK. I have indicated that when we get back in the House I will submit such a request for next Monday in order to bring the matter to a head.

Mr. WILLIAMS. Mr. Chairman, will the gentleman from Indiana yield for a question?

Mr. HALLECK. I yield.

Mr. WILLIAMS. May I ask the distinguished majority leader if he has included the airlines pass bill in the program?

Mr. McCORMACK. No; not for next week. I will tell the gentleman frankly that I did not put it on the program because I did not see how we could get to it next week. I did not do so because I downgraded it but as a matter of fact I doubt if we even reach the Mallory bill next week, but I put it down in order that we could consider it should we reach it.

Mr. PHILBIN. Mr. Chairman, in the main, the purposes of this bill have already been to considerable extent achieved by recent decisions of the Supreme Court.

While I am anxious to clarify, define and duly limit the powers of the Court within constitutional boundaries, I have serious doubt that the Congress should presume to usurp the rulemaking functions of the Court which properly belong to the judicial branch.

I think that the Court in recent time has conducted some very unhappy safaris away from organic law into the realm of sociology. This is neither necessary nor desirable. The Court should stick to the law and leave sociological therapy to the experts in social studies.

To my mind, there is considerable misapprehension about the objectives of the bill. The effects of the supremacy clause are well understood by lawyers and judges. We thought until some recent decisions that we also understood the preemption doctrine, but it is clear that we did not understand it as interpreted by the Court.

In order to clarify this misunderstanding and dispel current confusion, it would be necessary only to restate the doctrine and require its compliance.

I fear that the bill has gone beyond this point and contains language which, far from clarifying would still further confuse and lead to the dangerous possibility of retroactive application that could readily bring doubt and chaos into some of our most essential activities and relationships.

Section 2 of the bill might well be construed as innocuous. It would be a mere surplusage of clarifying language perhaps quite unnecessary now since the ends it seeks have already been largely reached by recent decisions of the courts. From now on there should be no doubt that the States may punish treason against their own sovereignty and the Federal Government may punish treason against its own sovereignty. It was this balance of State-Federal power that the Nelson case disturbed, and it is gratifying that the situation has now been remedied. Perhaps the Court itself will move to correct other decisions.

Congress should be vigilant and vigorous in perceiving and promptly moving to rectify any usurpation of its powers by the courts. It should also be decisive in correcting speedily any infringement upon constitutional prerogatives.

But the Congress should not seek to usurp the judicial power.

Any bill that merely restates existing law is a redundancy and a surplusage.

Any bill that meddles with the valid powers of the courts is an unjustifiable arrogation of judicial power and hence is in violation of the letter and the spirit of the Constitution.

And any law that would be retrospective action disrupt, unsettle and obscure long established principles of constitutional law cannot be justified either in logic or sound policy.

Mr. DONOHUE. Mr. Chairman, it is axiomatic in legislative procedure that if the accomplishment of the objective is not clearly reached in a proposed measure, then the proposal is, at the very best, of dubious legislative and national value.

No matter how sympathetic we may be with the proponents of this measure and their sincere attempts to legislatively correct inequities, I submit that this bill in all probability would, instead of clarifying anything, tend to make even more chaotic a very complex legalistic and judicial situation.

In reading the language of this proposal, it appears that the principles inherent in it must apply, without distinction, to such divergent fields as criminal law, the regulation of interstate transportation by rail or trucks and labor relations legislation.

In consideration of the technicalities involved, in a legal sense, the wording of this proposal is uncertain, and I doubt very much if anyone can predict what effects the measure would have in the numerous fields where it would apply. The only thing about which there is no doubt is that it would invite relitigation of innumerable long-settled issues and would produce wide-scale confusion.

I indeed hope that the membership here will carefully scan the language expressed in this proposal for the purpose of conscientiously determining whether or not further study and revised wording would provide a better and clearer instrument in reaching the complicated objective. I would add that most authorities agree that an attempt to legislate a specific cure for every suspected, expanded or exaggerated interpretation of existing law is a difficult and dangerous business.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania [Mr. FULTON].

The question was taken; and on a division (demanded by Mr. FULTON) there were—ayes 53, noes 146.

So the amendments were rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to establish rules of interpretation governing questions of the effect of acts of Congress on State laws, pursuant to House Resolution 288, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

Mr. LINDSAY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LINDSAY. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LINDSAY moves to recommit the bill H.R. 3 to the Committee on the Judiciary.

Mr. WILLIS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from New York [Mr. LINDSAY].

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 191, nays 227, not voting 16, as follows:

[Roll No. 101]

YEAS—191

Addonizio	Edmondson	McCormack
Anfuso	Fallon	McDowell
Ashley	Farbstein	McFall
Aspinall	Feighan	McGovern
Auchincloss	Fino	Macdonald
Bailey	Flood	Machrowicz
Baldwin	Flynn	Mack, Ill.
Baring	Fogarty	Madden
Barr	Foley	Magnuson
Barrett	Forand	Mailliard
Bass, N.H.	Frelinghuysen	Marshall
Bennett, Mich.	Friedel	Merrow
Blatnik	Fulton	Metcalf
Boland	Gallagher	Meyer
Bolling	Garmatz	Miller, Clem
Bowles	George	Miller, George P.
Boyle	Giaimo	Moeller
Brademas	Glenn	Monagan
Breeding	Gray	Montoya
Brewster	Green, Oreg.	Moore
Brooks, Tex.	Green, Pa.	Moorhead
Brown, Mo.	Griffiths	Morgan
Buckley	Hagen	Morris, Okla.
Burdick	Halpern	Moss
Burke, Ky.	Hargis	Multer
Burke, Mass.	Hays	Murphy
Byrne, Pa	Healey	Nix
Cahill	Hechler	O'Brien, Ill.
Carnahan	Hogan	O'Brien, N. Y.
Carter	Holifield	O'Hara, Ill.
Celler	Holland	O'Hara, Mich.
Clark	Holtzman	O'Konski
Coad	Hosmer	O'Neill
Coffin	Irwin	Oliver
Cohelan	Johnson, Calif.	Osmers
Conte	Johnson, Colo.	Perkins
Corbett	Johnson, Wis.	Pfost
Curtin	Karsten	Philbin
Curtis, Mass.	Karth	Powell
Curtis, Mo.	Kasem	Price
Daddario	Kastenmeier	Prokop
Daniels	Kee	Pucinski
Dawson	Kelly	Quigley
Delaney	Keogh	Randall
Dent	King, Calif.	Reuss
Denton	King, Utah	Rhodes, Pa.
Diggs	Kirwan	Rivers, Alaska
Dingell	Kluczynski	Rodino
Dollinger	Kowalski	Rogers, Colo.
Donohue	Lane	Rooney
Dooley	Lankford	Roosevelt
Dorn, N.Y.	Lesinski	Rostenkowski
Doyle	Levering	Roush
Dulski	Libonati	Santangelo
Dwyer	Lindsay	Saund
Sullivan	Walter	
Taylor	Teller	Wampler
Shelley	Thompson, N.J.	Weis
Shipley	Toll	Widnall
Sisk	Tollefson	Wier
Slack	Udall	Wolf
Smith, Iowa	Ullman	Yates
Staggers	Vanik	Zablocki
Stratton	Van Zandt	Zelenko

NAYS—227

Abbitt	Fountain	Natcher
Abernethy	Frazier	Nelsen
Adair	Gary	Norblad
Alexander	Gathings	Norrell
Alford	Gavin	Ostertag
Alger	Grant	Passman
Allen	Griffin	Patman
Andersen, Minn.	Gross	Pelly
Andrews	Gubser	Pilcher
Arends	Haley	Pillion
Ashmore	Hall	Pirnie
Avery	Halleck	Poage
Ayres	Hardy	Poff
Baker	Harmon	Preston
Barden	Harris	Quie
Barry	Harrison	Rains
Bass, Tenn.	Hébert	Ray
Bates	Hemphill	Reece, Tenn.
Baumhart	Henderson	Rees, Kans.
Becker	Herlong	Rhodes, Ariz.
Beckworth	Hess	Riehlman
Belcher	Hiestand	Riley
Bennett, Fla.	Hoeven	Rivers, S.C.
Bentley	Hoffman, Ill.	Roberts
Berry	Hoffman, Mich.	Robison
Betts	Holt	Rogers, Fla.
Blitch	Horan	Rogers, Mass.
Boggs	Huddleston	Rogers, Tex.
Bolton	Hull	Rutherford
Bonner	Ikard	St. George
Bosch	Jackson	Schenck
Bow	Jarman	Scherer
Boykin	Jennings	Schwengel
Bray	Jensen	Scott
Brock	Johansen	Selden
Brooks, La.	Johnson, Md.	Sheppard
Broomfield	Jonas	Short
Brown, Ga.	Jones, Ala.	Sikes
Brown, Ohio	Jones, Mo.	Siler
Broyhill	Judd	Simpson, Ill.
Budge	Kearns	Simpson, Pa.
Burleson	Keith	Smith, Calif.
Bush	Kilday	Smith, Kans.
Byrnes, Wis.	Kilgore	Smith, Miss.
Cannon	Kitchin	Smith, Va.
Casey	Knox	Springer
Cederberg	Lafore	Steed
Chamberlain	Laird	Stubblefield
Chelf	Landrum	Taber
Chenoweth	Langen	Taylor
Church	Latta	Teague, Calif.
Collier	Lennon	Teague, Tex.
Colmer	Lipscomb	Thomas
Cooley	Loser	Thompson, La.
Cramer	McCulloch	Thompson, Tex.
Cunningham	McDonough	Thomson, Wyo.
Dague	McGinley	Thornberry
Davis, Ga.	McIntire	Trimble
Derounian	McMillan	Tuck
Derwinski	McSween	Utt
Devine	Mack, Wash.	Van Pelt
Dixon	Mahon	Vinson
Dorn, S.C.	Mason	Watts
Dowdy	Matthews	Weaver
Downing	May	Westland
Durham	Meader	Wharton
Elliott	Michel	Whitener
Everett	Milliken	Whitten
Evins	Mills	Williams
Fascell	Minshall	Willis
Fenton	Mitchell	Wilson
Fisher	Morris, N. Mex.	Winstead
Flynt	Morrison	Withrow
Ford	Moulder	Wright
Forrester	Mumma	Young
	Murray	Younger

NOT VOTING—16

Albert	Davis, Tenn.	Porter
Anderson, Mont.	Goodell	Rabaut
Canfield	Granahan	Spence
Chiperfield	Kilburn	Wainwright
Cook	Martin	Wallhauser
	Miller, N.Y.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mrs. Granahan for, with Mr. Albert against.

Mr. Rabaut for, with Mr. Miller of New York against.

Mr. Wallhauser for, with Mr. Spence against.

Mr. Wainwright for, with Mr. Davis of Tennessee against.

Mr. Cook for, with Mr. Kilburn against.

Mr. Anderson of Montana for, with Mr. Chiperfield against.

Mr. Porter for, with Mr. Goodell against.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. CELLER. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 225, nays 192, not voting 17, as follows:

[Roll No. 102]

YEAS—225

Abbitt	Forrester	Murray
Abernethy	Fountain	Natcher
Adair	Frazier	Nelsen
Albert	Gary	Norblad
Alexander	Gathings	Norrell
Alford	Gavin	Ostertag
Alger	Grant	Passman
Allen	Griffin	Patman
Andersen, Minn.	Gross	Pelly
	Gubser	Pilcher
Andrews	Haley	Pillion
Arends	Hall	Pirnie
Ashmore	Halleck	Poage
Avery	Hardy	Poff
Baker	Harmon	Preston
Barden	Harris	Quie
Barry	Harrison	Rains
Bass, Tenn.	Hébert	Ray
Bates	Hemphill	Reece, Tenn.
Baumhart	Henderson	Rees, Kans.
Becker	Herlong	Rhodes, Ariz
Beckworth	Hess	Riehlman
Belcher	Hiestand	Riley
Bennett, Fla.	Hoeven	Rivers, S.C.
Bentley	Hoffman, Ill.	Robison
Berry	Hoffman, Mich.	Rogers, Fla.
Betts	Holt	Rogers, Mass.
Blitch	Horan	Rogers, Tex.
Boggs	Huddleston	Rutherford
Bolton	Hull	St. George
Bonner	Ikard	Schenck
Bosch	Jackson	Scherer
Bow	Jarman	Scott
Boykin	Jennings	Selden
Bray	Jensen	Short
Brock	Johansen	Sikes
Brooks, La.	Johnson, Md.	Siler
Broomfield	Jonas	Simpson, Ill.
Brown, Ga.	Jones, Ala.	Simpson, Pa.
Brown, Ohio	Jones, Mo.	Smith, Calif.
Broyhill	Judd	Smith, Kans.
Budge	Kearns	Smith, Miss
Burleson	Keith	Smith, Va.
Bush	Kilday	Springer
Byrnes, Wis.	Kilgore	Steed
Cannon	Kitchin	Stubblefield
Casey	Knox	Taber
Cederberg	Lafore	Taylor
Chamberlain	Laird	Teague, Calif.
Chelf	Landrum	Teague, Tex.
Chenoweth	Langen	Thomas
Church	Latta	Thompson, La.
Collier	Lennon	Thompson, Tex.
Colmer	Lipscomb	Thomson, Wyo
Cooley	Loser	Thornberry
Cramer	McCulloch	Trimble
Cunningham	McDonough	Tuck
Dague	McGinley	Utt
Davis, Ga.	McIntire	Van Pelt
Derounian	McMillan	Vinson
Derwinski	McSween	Watts
Devine	Mack, Wash.	Weaver
Dixon	Mahon	Westland
Dorn, N.Y.	Mason	Wharton
Dorn, S.C.	Matthews	Whitener
Dowdy	May	Whitten
Downing	Meader	Willams
Durham	Michel	Willis
Elliott	Milliken	Wilson
Everett	Mills	Winstead
Evins	Minshall	Withrow
Fascell	Mitchell	Wright
Fenton	Morris, N. Mex.	Young
Fisher	Morrison	Younger
Flynt	Moulder	
Ford	Mumma	

NAYS—192

Addonizio	Ashley	Auchincloss
Anfuso	Aspinall	Ayres
Bailey	Garmatz	Morgan
Baldwin	George	Morris, Okla.
Baring	Giaimo	Moss
Barr	Glenn	Multer
Barrett	Gray	Murphy
Bass, N.H.	Green, Oreg.	Nix
Bennett, Mich.	Green, Pa.	O'Brien, Ill.
Blatnik	Griffiths	O'Brien, N.Y.
Boland	Hagen	O'Hara, Ill.
Bolling	Halpern	O'Hara, Mich.
Bowles	Hargis	O'Konski
Boyle	Hays	O'Neill
Brademas	Healey	Oliver
Breeding	Hechler	Osmers
Brewster	Hogan	Perkins
Brooks, Tex.	Holifield	Pfost
Brown, Mo.	Holland	Philbin
Buckley	Holtzman	Powell
Burdick	Hosmer	Price
Burke, Ky.	Irwin	Prokop
Burke, Mass.	Johnson, Calif.	Pucinski
Byrne, Pa.	Johnson, Colo.	Quigley
Cahill	Johnson, Wis.	Randall
Carnahan	Karsten	Reuss
Carter	Karth	Rhodes, Pa.
Celler	Kasem	Rivers, Alaska
Clark	Kastenmeier	Rodino
Coad	Kee	Rogers, Colo.
Coffin	Kelly	Rooney
Cohelan	Keogh	Roosevelt
Conte	King, Calif.	Rostenkowski
Corbett	King, Utah	Roush
Curtin	Kirwan	Santangelo
Curtis, Mass.	Kluczynski	Saund
Curtis, Mo.	Kowalski	Saylor
Daddario	Lane	Schwengel
Daniels	Lankford	Shelley
Dawson	Lesinski	Sheppard
Delaney	Levering	Shipley
Dent	Libonati	Sisk
Denton	Lindsay	Slack
Diggs	McCormack	Smith, Iowa
Dingell	McDowell	Staggers
Dollinger	McFall	Stratton
Donohue	McGovern	Sullivan
Dooley	Macdonald	Teller
Doyle	Machrowicz	Thompson, N.J.
Dulski	Mack, Ill.	Toll
Dwyer	Madden	Udall
Edmondson	Magnuson	Ullman
Fallon	Mailliard	Vanik
Farbstein	Marshall	Van Zandt
Feighan	Merrow	Walter
Fino	Metcalf	Wampler
Flood	Meyer	Weis
Flynn	Miller, Clem	Widnall
Fogarty	Miller, George P.	Wier
Foley		Wolf
Forand	Moeller	Yates
Frelinghuysen	Monagan	Zablocki
Friedel	Montoya	Zelenko
Fulton	Moore	
Gallagher	Moorhead	

NOT VOTING—17

Anderson, Mont.	Goodell	Rabaut
	Granahan	Roberts
Canfield	Kilburn	Spence
Chiperfield	Martin	Tollefson
Cook	Miller, N.Y.	Wainwright
Davis, Tenn.	Porter	Wallhauser

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Miller of New York for, with Mrs. Granahan against.

Mr. Spence for, with Mr. Rabaut against.

Mr. Davis of Tennessee for, with Mr. Wallhauser against.

Mr. Kilburn for, with Mr. Wainwright against.

Mr. Chiperfield for, with Mr. Cook against.

Mr. Goodell for, with Mr. Anderson of Montana against.

Mr. Roberts for, with Mr. Porter against.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. PHILBIN], the gentleman from Massachusetts [Mr. DONOHUE], and the gentleman from Minnesota [Mr. WIER], have permission to extend their remarks at that point in the RECORD following my own remarks on the Fulton amendment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. ROBERTS. Mr. Speaker, during the rollcall vote on the bill, H.R. 3, I was called away on a matter of official business. Had I been able to be present, I would have voted "yea." I had previously voted against the motion to recommit the bill. I am in favor of the bill and would have so voted.

Mr. Speaker, I ask unanimous consent that my remarks may follow the recording of the vote on the bill, H.R. 3.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

FINANCING OF NEW JET AND TURBOJET AIRCRAFT

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1368) to amend sections 503 and 504 of the Federal Aviation Act of 1958 to facilitate financing of new jet and turboprop aircraft.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of subsection 503(a) of the Federal Aviation Act of 1958 is amended to read as follows:

"(2) Any lease, and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated takeoff horsepower for each such engine or the equivalent of such horsepower, or any specifically identified aircraft propeller capable of absorbing seven hundred and fifty or more rated takeoff shaft horsepower, and also any assignment or amendment thereof or supplement thereto;"

SEC. 2. That section 504 of the Federal Aviation Act of 1958 is amended to read as follows:

"SEC. 504. No person having a security interest in, or security title to, any civil aircraft, engine or propeller under a contract of conditional sale, equipment trust, chattel or corporate mortgage, or other instrument of similar nature, and no lessor of any such aircraft, engine or propeller under a bona fide lease of thirty days or more, shall be liable by reason of such interest or title or by reason of his interest as lessor or owner of the aircraft, engine or propeller so leased, for any injury to or death of persons, or

damage to or loss of property, on the surface of the earth (whether on land or water) caused by such aircraft, engine or propeller, or by the ascent, descent, or flight of such aircraft, engine or propeller or by the dropping or falling of an object therefrom, unless such aircraft, engine or propeller is in the actual possession or control of such person at the time of such injury, death, damage, or loss."

SEC. 3. The proviso clause in section 503(d) of the Federal Aviation Act of 1958 is amended to read as follows:

"*Provided,* That an instrument recorded under section 503(a)(2) shall not be affected as to the engine or engines, or propeller or propellers specifically identified therein, by any instrument theretofore or thereafter recorded pursuant to section 503(a)(3)."

SEC. 4. Clause (1) of section 503(f) of the Federal Aviation Act of 1958 is amended to read as follows:

"(1) the identifying description of the aircraft, aircraft engine, or propeller, or in the case of an instrument referred to in section 503(a)(3), the location or locations specified therein; and".

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That paragraph (2) of section 503(a) of the Federal Aviation Act of 1958 is amended to read as follows:

"'(2) Any lease, and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated takeoff horsepower for each such engine or the equivalent of such horsepower, or any specifically identified aircraft propeller capable of absorbing seven hundred and fifty or more rated takeoff shaft horsepower, and also any assignment or amendment thereof or supplement thereto;'.

"SEC 2. Section 504 of the Federal Aviation Act of 1958 is amended to read as follows:

"'LIMITATION OF SECURITY OWNERS LIABILITY

"'SEC. 504. No person having a security interest in, or security title to, any civil aircraft, aircraft engine, or propeller under a contract of conditional sale, equipment trust, chattel or corporate mortgage, or other instrument of similar nature, and no lessor of any such aircraft, aircraft engine, or propeller under a bona fide lease of thirty days or more, shall be liable by reason of such interest or title, or by reason of his interest as lessor or owner of the aircraft, aircraft engine, or propeller so leased, for any injury to or death of persons, or damage to or loss of property, on the surface of the earth (whether on land or water) caused by such aircraft, aircraft engine, or propeller, or by the ascent, descent, or flight of such aircraft, aircraft engine, or propeller or by the dropping or falling of an object therefrom, unless such aircraft, aircraft engine, or propeller is in the actual possession or control of such person at the time of such injury, death, damage, or loss.'

"SEC. 3. The proviso contained in section 503(d) of the Federal Aviation Act of 1958 is amended to read as follows: '*Provided,* That an instrument recorded under section 503(a)(2) shall not be affected as to the engine or engines, or propeller or propellers, specifically identified therein, by any instrument theretofore or thereafter recorded pursuant to section 503(a)(3).'

"SEC. 4. Paragraph (1) of section 503(f) of the Federal Aviation Act of 1958 is amended to read as follows:

"'(1) the identifying description of the aircraft, aircraft engine, or propeller, or in the case of an instrument referred to in section 503(a)(3), the location or locations specified therein; and'."

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, will the gentleman tell us briefly what this bill is about.

Mr. HARRIS. I will be very glad to yield to the gentleman from Mississippi [Mr. WILLIAMS], the chairman of the subcommittee, that reported the bill out.

Mr. WILLIAMS. Mr. Speaker, the purpose of this legislation is to facilitate the lease or sale of propellers for aircraft. It is needed in order to modernize the Civil Aeronautics Act of 1938, which provided for the recording of mortgages on whole aircraft. In 1948, because it became necessary, as the aviation industry developed, to interchange airplane engines among various aircraft, the act was amended to provide for the separate recording of aircraft engines, separate and apart from the airframe. Now, that we are in the jet and turboprop age, it was found to be necessary to provide for separate recording of aircraft propellers. The propellers for these turbo-prop type aircraft run sometimes in the vicinity of $25,000 or $30,000 in cost. Finding it necessary to interchange propellers as well as engines and airframes, the FAA found it necessary to request permission to record propellers separately.

Mr. GROSS. Does this call for any authorization of spending of money?

Mr. WILLIAMS. This does not call for the authorization of any additional funds for the Federal Aviation Agency. However, in fairness, I think it should be stated that it is estimated there will be an additional cost of $13,000 per year for administrative expenses. However, the committee in its report recommended and requested that the Federal Aviation Agency charge fees for this recording in order to take care of the additional costs. So actually there will be no additional cost to the Federal Government in the administration of the bill.

Mr. GROSS. I thank the gentleman.

Mr. HARRIS. Mr. Speaker, the purpose of the bill is to help the financing for these new jets. This legislation is necessary for some of the airlines. I will point out too that it was reported out unanimously by the committee and everyone is in agreement that the legislation is needed and justified.

Mr. WILLIAMS. I think it should also be pointed out that the bill passed the other body by a unanimous vote and came to the floor of the other body by unanimous recommendation of the committee.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. YOUNGER. The bill has been cleared by the minority leader on this side?

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed. The title was amended so as to read: "An act to amend sections 503 and 504 of the Federal Aviation Act of 1958 to facilitate financing of certain aircraft engines and propellers."

A motion to reconsider was laid on the table.

EXTENDING RENEGOTIATION ACT OF 1951

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7086) to extend the Renegotiation Act of 1951, and for other purposes with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. MILLS, FORAND, KING of California, SIMPSON of Pennsylvania, and MASON.

LEGISLATIVE PROGRAM

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I have asked for this time in order to inquire of the majority leader as to the program. Earlier there was a colloquy between the majority and minority leaders with reference to the program coming up. There are a few items which are left unresolved. I wonder if the majority leader could advise us as to the situation as it now stands.

Mr. McCORMACK. Specifically, the gentleman from Indiana [Mr. HALLECK], the minority leader, asked me about rollcalls on Monday. I said I would only be too glad so far as I am concerned if any rollcalls were to take place on Monday, other than, of course, rollcalls on a rule, that they be postponed until the following day. We were then in the Committee on the Whole and I could not at that time submit a unanimous consent request. If the gentleman will yield to me for that purpose now, Mr. Speaker, I ask unanimous consent in the event a rollcall is necessary on Monday next that it be postponed until the following day.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, we will have no business for tomorrow. As I previously announced, there will be a meeting of the House on Friday so that the special order in connection with the 25th anniversary of the establishment of credit unions in the United States might be exercised by the Member who has been granted the special order and others who may be interested in speaking on that day.

Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Friday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RE-REFERENCE OF BILLS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the bills H.R. 7431, 7434, 7435, 7436, 7438, 7440, and 7443, identical bills to amend Public Law 85–880, and for other purposes, and that they may be re-referred to the Committee on Space and Astronautics.

Mr. PELLY. Mr. Speaker, reserving the right to object, and I shall not, I would just like to point out that the delay has been caused by the difference in jurisdiction. I only hope that the Committee on Space and Aeronautics will expedite consideration of the various bills.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RE-REFERENCE OF PRESIDENT'S MESSAGE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the President's message of May 21, 1959, requesting such legislation for the purpose of authorizing funds for Federal participation in the World Science Pan-Pacific Exposition—now known as Century 21 Exposition—be re-referred to the Committee on Space and Astronautics.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CENTURY 21 EXPOSITION

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include two letters.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, the jurisdiction of the Committee on Foreign Affairs over legislation relating to international fairs and expositions has arisen from the fact that such fairs and expositions, in general, have a relation to and an impact on our foreign policy and foreign relations.

An examination of the President's message referring to the participation of the United States in the World Science Pan-Pacific Exposition, also called the Century 21 Exposition, to be held in Seattle, indicates that Federal funds are being requested primarily for use in connection with exhibits planned to excite youth and adult interest in, and promote the understanding of, certain basic science areas. Under the circumstances, it was my impression that U.S. participation in the fair might be justified principally because of its impact on matters not directly related to foreign policy. With this question in mind, on June 12, 1959, I directed a letter to the Secretary of State to obtain his views as to the relation of the Seattle fair to our foreign policy. I have just received a reply to my letter, which includes the following paragraph:

> The Department has not considered that the advancement of foreign policy objectives is the primary purpose of the Century 21 Exposition and has continually refrained from commenting on the appropriation request because the Department has believed that this is primarily of domestic interest.

Since the State Department confirms my own view that U.S. participation in the Seattle fair is most directly related to considerations other than foreign policy, I have requested that legislation relating to the World Science Pan-Pacific Exposition be referred to the Committee on Science and Astronautics.

In asking that this legislation be so referred, I want to make clear that the Committee on Foreign Affairs recognizes that, in general, international fairs and expositions have an important place in the advancement of our foreign policy objectives, and it is not our purpose to relinquish in any respect our responsibility for such legislation. An exception has been requested in this case because of the special considerations involved.

I am making available the text of my letter to the Secretary of State and the State Department reply for the information of the House:

COMMITTEE ON FOREIGN AFFAIRS,
June 12, 1959.

The Honorable SECRETARY OF STATE,
Washington, D.C.

DEAR MR. SECRETARY: The report of the President on the World Science Pan-Pacific Exposition to be held at Seattle, Wash., in 1961, required under section 5(a) of Public Law 85–880, has been referred to this committee.

The bill passed by the Congress last year, which authorized the President to cooperate with the Washington State World Fair Commission to determine the extent and nature of U.S. participation in the fair, indicated that the purposes of the exposition were to (1) commemorate the centennial of the physical fixing of the boundary line between the United States of America and Canada, (2) depict the role of science in modern civilization, and (3) exhibit the varied cultures of the nations of the Pacific rim.

The President's message indicates that the participation of the Federal Government at an estimated cost of $12,500,000 will be limited to that phase of the exposition relating to the theme of "the role of science in modern civilization." The jurisdiction of the Committee on Foreign Affairs over legislation relating to international fairs and expositions has arisen from the fact that such fairs and expositions, in general, have a relation to or an impact on our foreign policy and foreign relations.

In the case of the Seattle Fair, the report of the President seems to indicate that those aspects of the fair most directly related to matters of foreign policy will not be financed by the Federal Government. This raises a question as to whether legislation relating to the further participation of the United States in the fair would be handled to best advantage by the Committee on Foreign Affairs, or whether it might more properly be referred to another committee.

I can fully understand that you may not wish to express an opinion as to the most appropriate committee of the Congress to consider legislation or as to the purpose or merit of the Seattle fair. I would appreciate, however, your judgment as to whether the $12,500,000 estimated to be the cost of Federal participation in the fair would make a commensurate contribution to the improvement of our relations with other nations or to the advancement of our foreign policy.

I recognize that an exposition of this character might have as its principal justification its impact in areas not directly related to foreign policy, such as its contribution to the advancement and understanding of science, or its service in providing enlightenment or entertainment to the people of the United States. If in your judgment the contemplated expenditure of funds would appear to be justified primarily by considerations other than the advancement of our foreign policy, it would be my inclination to seek to have consideration of further legislation relating to the Seattle fair referred to another committee of the Congress.

The Committee on Foreign Affairs recognizes that international fairs and expositions have had in the past, and are even more likely to have in the future, an important place in the advancement of our foreign policy objectives. For that reason, we would feel obliged to assume responsibility for further legislation relating to this exposition if you regard it as having an important impact on our foreign policy.

Sincerely yours,

THOMAS E. MORGAN,
Chairman.

ASSISTANT SECRETARY OF STATE,
Washington, June 22, 1959.

The Honorable THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. MORGAN: In your letter of June 12, 1959, you requested the opinion of the Department as to the World Science Pan-Pacific Exposition (Century 21 Exposition) and its relation to or impact on our foreign policy and foreign relations. In your letter you said that if, in our judgment, the contemplated expenditure of funds would appear to be justified primarily by considerations other than the advancement of our foreign policy, the committee might wish to have consideration of further legislation relating to the Seattle Fair referred to another committee of Congress.

The Department has not considered that the advancement of foreign policy objectives is the primary purpose of the Century 21 Exposition and has continually refrained from commenting on the appropriation requested because the Department has believed that this is primarily of domestic interest.

The Department drafted the proclamation which was authorized by Public Law 85–880, approved September 2, 1958 (72 Stat. 1703) and expects on behalf of the President, and the Governor of the State of Washington, to extend invitations to appropriate countries to participate in the fair. This is a function that the Department frequently fulfills at the request of those State, municipal, and private groups who wish to extend invitations to other countries to participate in fairs, expositions, and ceremonial celebrations to be held within the United States. The Department will do whatever it may to assist the officials of the State of Washington in the Century 21 Exposition in arranging for foreign participation.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary
(For the Acting Secretary of State).

PRINTING OF DUPLICATE BILLS AND RESOLUTIONS

Mr. JONES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, a short time ago I stated that from time to time I would make suggestions and take such action as I thought was practical in bringing about savings and more economy, as well as efficiency in the operation of this body.

Today I am introducing a resolution which has for its purpose the discontinuance of the printing of identical or duplicate bills and resolutions. While the Rules of the House do not specifically prohibit the joint introduction of bills and resolutions, a practice which is followed in the other body, a ruling of the Chair which has been followed for many years, has had the practical effect of prohibiting such joint introduction. I am not attempting to bring about a change which would permit the joint introduction by several or many Members, of the same bill or resolution. However, I am attempting to bring about a saving by the elimination of the necessity for printing duplicate or identical bills and resolutions, but at the same time provide the means whereby Members may continue to introduce such bills or resolutions, but instead of being printed as is done at the present time, the title of the bill or resolution, and the name of the Member introducing the same shall be printed in the CONGRESSIONAL RECORD, together with a reference to the original bill or resolution introduced.

Of the first 5,900 bills or resolutions introduced in the House at this session, at least 43 bills were introduced a total of 883 times. In other words, according to a statistical survey made at my request by the Library of Congress, 840 of the first 5,900 bills were identical to bills already introduced, and this figure does not include those bills which were duplicated less than 10 times, which of course would add greatly to this total.

I am not going to attempt to estimate the savings that would be effected by the adoption of this resolution, but it would include not only the actual printing cost, but would eliminate much of the bookkeeping required in the referral and processing of these duplicate bills. I am including herewith a copy of the memorandum from the Library of Congress, showing the extent to which this duplication exists in this Congress:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., June 19, 1959.

To: Hon. PAUL C. JONES.
From: American Law Division.
Subject: Introduction of duplicate bills in the House.

As far as can be determined, there are no complete statistics available regarding the above. In response to your request, a study was made of the first 5,900 bills introduced in the current Congress. Those bills which were duplicated 10 or more times were isolated, and the statistics follow:

1. Eight bills were introduced 10 times.
H.R. 2382: Medical coverage under Social Security Act.
H.R. 3: To limit the power of the Supreme Court to invoke the preemption doctrine.
H.R. 486: Preemption; another version.
H.R. 5248: To increase funds for school milk program.
H.R. 257: To equalize pensions of widows of veterans of World War II with widows of veterans of World War I and Korea.
H.R. 713: National Wilderness Preservation Act.
H.R. 3540: Labor Management Practices Act.
House Joint Resolution 21: Item veto on appropriation bills.
2. Four bills were introduced 11 times:
H.R. 2853: Commemorative stamps for Olympic games.
H.R. 4679: Wheat Stabilization Act of 1959.
H.R. 5463: Consent to Wabash Valley compact.
H.R. 300: Civil rights (Douglas bill).
3. Five bills were introduced 12 times:
H.R. 42: Repeal of Calmat tax.
H.R. 1121: Labor Management Reporting and Disclosure Act.
H.R. 4200: Weather control, Colorado River Basin.
H.R. 3592: Refund of certain taxes in installments.
H.R. 755: Increase income limitation on non-service-connected disability pensions to $1,800 for nonmarried and $3,000 for married.
4. Three bills were introduced 13 times:
H.R. 3463: Inclusion of State routes on highway system.
H.R. 5373: Parities on oats, etc.
House Joint Resolution 33: Constitutional amendment to prohibit State taxation of income of nonresidents.
5. One bill was introduced 14 times:
H.R. 16: Immigration law revision.
6. One bill was introduced 15 times:
H.R. 1098: To extend coverage of the Federal Coal Mine Safety Act.
7. One bill was introduced 17 times:
H.R. 4846: Adjustment of import quotas.
8. One bill was introduced 18 times:
H.R. 226: Transportation of explosives in interstate commerce.
9. Two bills were introduced 19 times:
H.R. 3840: National Milk Sanitation Act.
H.R. 1: To authorize additional withdrawal of water from Lake Michigan.
10. Two bills were introduced 20 times:
H.R. 1855: To establish a National Advisory Committee for the Blind.
H.R. 104: Coal Research and Development Act.
11. Two bills were introduced 21 times.
House Concurrent Resolution 42: In favor of UHF booster station.
H.R. 36: To remove income limitation on social security benefits.
12. One bill was introduced 23 times.
H.R. 9: Self-employed individuals, retirement act.
13. One bill was introduced 24 times.
H.R. 50: Hawaiian statehood.
14. Two bills were introduced 25 times.
H.R. 1379: D.C. Charter Act.
H.R. 22: School Support Act of 1959.
15. One bill was introduced 30 times.
H.R. 88: Armed Services dismissals, standards for.
16. One bill was introduced 31 times.
H.R. 830: Area Redevelopment Act.
17. One bill was introduced 32 times.
House Concurrent Resolution 113: International Education Programs.
18. One bill was introduced 34 times:
H.R. 1012: Amendments to Railroad Retirement Act.
19. One bill was introduced 39 times:
H.R. 6964: Armed Services Competitive Procurement Act.
20. One bill was introduced 45 times:
H.R. 3547: Unemployment Compensation.
21. One bill was introduced 49 times:
H.R. 3395: Repeal communications tax.
22. One bill was introduced 59 times:
House Joint Resolution 28: Equal rights for women.
23. One bill was introduced 60 times:
H.R. 14: Organizations for the blind.

CONCLUSIONS

The above 43 bills were introduced a total of 883 times. In other words, at least 840 of the first 5,900 House resolutions were identical to bills already introduced; and this figure does not include those bills which are duplicated less than 10 times.

STRENGTHEN THE BUY AMERICAN ACT

Mr. OSTERTAG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, I take this occasion to urge the support of a bill which I have introduced today. It would provide for much needed amendments to the Buy American Act.

It is my belief and that of many Members of Congress and others that the Buy American Act, as it stands today, has become almost meaningless and has little value or protection for American industry.

The original purpose of the Buy American Act was to provide a fair and satisfactory competitive atmosphere between domestic and foreign bidders in competing for Government contracts. The margin of advantage of the domestic over the foreign bidder began with a 25-percent differential and was subsequently dropped to 6 percent in 1954. This is an indication of how the purposes of this act have been eroded in the past 25 years to the point where it now not only fails to provide a fair and satisfactory competitive differential but ignores the principles upon which the original act was based.

Labor costs of American producers are, in many instances, 8 and 10 times higher than that of foreign competitors. A gross average hourly wage of $1.50 in the United States as compared to 15 cents an hour in Japan is just one example of this tremendous differential. Therefore, oftentimes there is considerable justification for raising greatly the differential, since foreign bidders are often able to underbid domestic manufacturers by wide margins. However, since labor costs vary so widely among different countries, it is difficult and unfair to establish a set differential and expect it to apply to all situations, without injuring the opportunities of American manufacturers in competing for Government contracts.

Mr. Speaker, since foreign producers or manufacturers are in a position in many instances to underbid American manufacturers due to the fact that their labor costs are far below American labor costs, it is my conviction that the best way in which to establish a fair and equitable differential is to compare the average wage rates prevailing in the foreign industry with that of the average

wage rates prevailing in the domestic industry. This can be accomplished by consulting the current or most recent official wage rates, foreign and domestic, as published by the Bureau of Labor Statistics of the U.S. Department of Labor and making the comparison. The percentage of difference should then be the differential. Mr. Speaker, this is exactly what my bill calls for. It further states that "no domestic bid shall be deemed unreasonable unless it exceeds the lowest foreign bid, exclusive of duty, by a margin greater than the differential found pursuant to this section to exist between such prevailing domestic and foreign wages." In addition, it will protect the Government by providing that no bid or contract price may be in excess of the prevailing prices applicable to other trade. In other words, this bill prohibits an American manufacturer or producer from having a higher price for the Government than that used in the marketing of his goods to other consumers.

The amendments embodied in my bill would put teeth into the Buy American Act. They would provide a more equitable application of it, and tend to preserve the expenditure of the taxpayer's dollars to American industry, agriculture, and labor whenever money is expended for procurement of articles, materials, and supplies for public use. Since it is American industry, agriculture, and labor which support our Government through their tax dollars, it seems reasonable that a fair and equitable yardstick should be provided between domestic and foreign producers and manufacturers in competing for Government contracts. Otherwise, the high standard of living which has been created in our country by private enterprise will in turn handicap and penalize our own producers in competing for contracts from our own Government.

Mr. Speaker, the enactment of my bill will mean increased business and employment in American industry. It is in the best interests of our Nation and will benefit all segments of our economy. Therefore, it is my hope that it will receive the sober and favorable consideration of the Congress.

FOREIGN AID TO DOGPATCH

Mr. MOULDER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MOULDER. Mr. Speaker, last week this House passed H.R. 7500, the foreign aid or so-called mutual security bill, providing authorization for the wasteful expenditure or giving away of an additional $3½ billion to foreign countries.

I have many times expressed my opposition to this useless waste of the taxpayers' moneys and have offered many documents, facts, and figures to support my contention that the foreign aid program as now administered is a colossal mistake and financial burden on the American people.

Last Sunday, I was amused by my favorite comic strip "Li'l Abner" by Al Capp. The title of the Sunday edition is "A Foreigner's Life Is Not an 'Appy One." Mammy or Pansy Yokum informs all Dogpatchers of "some confoozin' but not amoozin' news." To wit: "Dogpatch hain't part o' th' Yew-nited States no more. * * * They discovered thet in Washin'ton." So Dogpatch is a indy-pendent nation now—like Monaco—an' it belongs to th' Yokum fambly—same as Monaco belongs to Prince Rainier's fambly."

This announcement by Her Majesty Pansy Yokum created great consternation. Dogpatchers expressed great disappointment in losing "all th' advantages o' bein' Americans."

But then there appears a representative of the U.S. Government with a construction crew erecting "A 5-million dollar, prefabricated university. Compliments of the U.S. Government." A prominent Dogpatcher said, "Mah goodness. When we was merely pore li'l broke-down Dogpatch, we couldn't git th' govamint to give us a seed catalog. But, now that we is a furrin country—they's buildin' us a whole college." Her Majesty Pansy Yokum replies, "Natcherly. They needs our good will." The next scene is the arrival of a special delivery letter to Pansy Yokum. Dogpatch had made application to the U.S. Government for a $20 loan "to keep Dogpatch alive when we was Americans." "Did they turn us down?" "Right, Mammy. No $20. But they has set us a check fo' 80 millyun dollahs, to improve our rivers and harbors, now thet we is furriners."

The Dogpatch story may appear to be silly and ridiculous but it is a funny and amusing example of the foreign aid programs. The foreign aid or so-called mutual security program is also just as silly and ridiculous but most certainly not funny nor amusing.

THE OIL INDUSTRY'S TAX BILL

Mr. IKARD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. IKARD. Mr. Speaker, I think it is particularly appropriate at this time to comment on a most important subject which is receiving increasing attention here in Congress as well as in the public press. I refer to the tax treatment Congress has provided for mineral producers and, more especially, the 27½-percent depletion rate authorized in the case of oil and gas production.

Much has been written and spoken regarding these tax provisions, and unfortunately all too often by the uninformed.

In this regard I think it is particularly appropriate that the Committee on Ways and Means has listed percentage depletion as one of the many subjects to be reviewed in its hearings that begin on November 2. As you know, the committee will invite experts from colleges and universities, research organizations, business, labor, and agriculture—informed people who can present an objective appraisal of just how the various provisions of the Tax Code operate, and how they affect the American people.

We all, I think, recognize that this undertaking—though a big one—is most worthwhile and indeed a constructive move to assure that our tax laws are such as to best serve the American people.

At one time or another all important legislative enactments should be reviewed to determine their usefulness and what, if any, changes are needed.

Tax laws are no exception. At the time the percentage method for computing depletion and the 27½ percent rate was adopted the Congress recognized the necessity of congressional review to determine the appropriateness of the method and rate.

The Congress then created a watchdog committee to review its effects. The committee at that time approved the method and rate. Many subsequent reviews have been made by the Congress. I believe that proceeding to be proper and, therefore, that is why the committee's plan to study and review percentage depletion along with the many other important provisions of the Internal Revenue Code should be welcomed.

Mr. Speaker, the Members of this body need and deserve to have a thorough analysis of the reasons for, and the operation of, the present tax treatment provided the minerals extractive industries. This analysis needs to be made by our duly constituted committees, charged with the responsibility of presenting to the membership of this body all of the facts and factors that are involved in any legislative proposal.

Meanwhile, it is only proper in view of the current rash of misleading and unfounded statements regarding percentage depletion, that the record be set straight on why we have this provision in our tax laws; briefly, how it works, and just why it is in the national interest to retain it in the law.

HISTORICAL BACKGROUND

If we check the dictionary we will see depletion defined as "impairment of capital; decline in value caused by the consumption or diminution of an asset." Thus, each time a producer extracts a barrel of oil or a ton of ore from the ground he is depleting his property—and consuming his capital.

For this reason, in 1913, after adoption of the 16th amendment, which authorized a tax on incomes, Congress provided mineral producers a reasonable allowance for depletion of ores and other natural deposits. The early law specified that depletion during the life of the property could not exceed the cost of the property or its market value as of the date the first income tax law went into effect, on March 1, 1913.

In 1918, in order to put properties discovered after 1913 on an equal footing,

Congress authorized mineral producers to use the fair market value of newly discovered oil and gas wells or mines as their basis for computing depletion where the fair market value of the property is materially disproportionate to the cost.

Thus, an operator could use the cost or the fair market value of a property in computing what portion of the money returned from his mineral property represented exhaustion; that is, depletion of his capital, and thus, not be subject to income tax.

Basically, this principle laid down more that 40 years ago, still remains in the law today so that capital value created by discovery will not be taxed as income. It expresses the congressional definition as to what constitutes capital and what is income in the extractive industries.

In the years 1918 to 1926 the so-called discovery value for computing the value of capital exhaustion often proved difficut and expensive to use both for taxpayer and Government. The determination of the fair market value of a newly discovered property often entailed complicated engineering analyses involving interpretations of geological data and the exercise of a large degree of individual judgment. This led to administration chaos.

To meet this, a select Senate committee studied the problem and found that experience showed that the discovery value per barrel of oil as established by appraisal of individual properties bore a reasonably consistent relationship to the price of oil as produced at the wellhead. Early in 1926, the committee reported its findings and concluded that the whole procedure could be simplified by establishing a percentage method for computing depletion for oil and gas wells. Under this method a fixed percentage of the gross income obtained from each barrel of oil as it came from the well would be the used up capital not to be taxed as income.

Since the selling price of petroleum at the wellhead and the value of the oil and gas in the ground are subject to the same fluctuations in value, percentage depletion provides the flexibility necessary to reflect the changing value of the capital asset being consumed.

The Senate Finance Committee then made its own study and also concluded that "in the interest of simplicity and certainty in administration your committee recommends that in the case of oil and gas wells the allowance for depletion shall be 25 percent of the gross income from the property during the taxable year" not to exceed 50 percent of the net income of the taxpayer from each property. Following further study and debate, the Senate approved a 30-percent depletion rate. The House, based on its studies, approved a 25-percent rate. Congress then agreed on a 27½-percent rate—for oil and gas wells—limited to 50 percent of the net income from the mineral property.

This rate has remained the same for the past 32 years. It has proven to be a simple and practical method of carrying out the original congressional policy laid down 45 years ago, when the income tax was born, that, to avoid taxing capital as income, depletion of mineral properties can be based on the fair market value of the mineral in the ground.

WHY 27.5-PERCENT RATE?

We often hear this question—what is the magic of the 27½-percent rate? Why not 37½ percent—or why not 17½ percent? There is a ready and logical answer. This rate has done the job Congress expected of it. It is an integral and vital part of the economic structure of the petroleum industry. The industry and its many millions of shareholders have been encouraged to risk billions of dollars to perpetuate this essential industry based on this 27½-percent depletion rate.

In setting this rate Congress recognized two basic facts:

First, it would generally approximate the value of the capital asset being used up with each barrel produced; and

Second, it would recognize the peculiarities of the operations in the extractive industries and provide the incentive of equal tax treatments and thereby encourage men to get into this risky, but vital, business of looking for oil to replace the reserves currently being used up.

History has proven the soundness of this rate. Experience during the 32 years that percentage depletion has been a part of our income tax laws provides the best evidence in support of the 27½-percent rate for petroleum production. During this period, the domestic oil industry has proved its ability to replace the reserves that have been consumed; has met growing demands in peace and war at reasonable prices; and has maintained reserve producing capacity for any further national emergencies. It has done this while earning only a reasonable return on its investments.

When percentage depletion was written into law, our proved reserves of petroleum were 8.8 billion barrels, or about 11 times our yearly production. Since then, over 50 billion barrels have been produced in the United States, or about 6 times the known reserves in 1926. At the end of 1958, our proved petroleum reserves were 36.7 billion barrels, or about 13 times our greatly increased annual production. Percentage depletion has contributed much to this accomplishment.

OIL AND ITS IMPORTANCE TO NATIONAL SECURITY

Mr. Speaker, I do not need to dwell very long on what oil means to our national security. Admittedly some writers and a few self-styled experts claim that in these days of modern 3-day wars oil is not an ammunition of war. Well, Mr. Speaker, whenever we see no need for an Air Force, a Navy, or an Army traveling on wheels, and no need for the wheels of industry to turn, then I will concede that oil's national security role is diminishing.

Meanwhile our military leaders put the highest priority on adequate supplies of petroleum and its products.

Last year the President's Special Cabinet Committee declared:

> It is clear that there is a direct relationship between the Nation's security and adequate and available sources of energy. Oil and gas account for two-thirds of all the energy that is consumed in this country. Furthermore, there is no adequate substitute in sight for the foreseeable future. Therefore, we must have available adequate supplies of oil.

Today more than ever percentage depletion is needed to help assure that we have within our own borders plentiful supplies of petroleum and its products to meet our defense needs, to stave off and deter war threats, and help other friendly nations in times of crises—such as the Suez situation.

THE CONSUMERS STAKE IN PERCENTAGE DEPLETION

When we discuss percentage depletion we must place in proper perspective just who is the real and ultimate beneficiary of this important tax provision.

The chief beneficiary of percentage depletion allowed the oil and gas industry is the consuming public—and it is the consumer who would suffer greatly from a reduction in rate or elimination of percentage depletion for the petroleum industry.

Mr. Speaker, it is obvious that the petroleum industry passes along to the consumer any so-called benefits it receives from the tax laws. This can be seen from the fact—which I will discuss in more detail later—that official Government statistics and studies of the Chase Manhattan Bank show that for the years 1955 to 1957 the domestic oil industry's rate of return was 9.97 percent. This is well below the 11.92 percent return for all manufacturing industries.

This is certainly an insufficient rate of return for an industry which, first, drills eight dry holes for each successful exploratory well; second, plows two-thirds of every dollar of gross income from petroleum produced each year back into the search for and development of new oil reserves; and, third, according to Bureau of Mines statistics show that the oil producing industry spends each year to find and develop new oil reserves, three times as many dollars as it retains out of its earnings through percentage depletion.

Now, Mr. Speaker, under these circumstances the industry's only recourse if it loses the 27½-percent depletion rate, is to call on the consuming public to pay more for the oil and gas it consumes.

Many critics of percentage depletion recognize this. For example, Edward S. Mason, dean of Harvard University, has stated that the effect of depletion is "to expand investment and output—thus bringing down mineral prices." Prof. Arnold C. Harberger, of the University of Chicago, has testified that—

> More oil can indeed be obtained by tax concessions * * * [but] * * *. If the rest of the economy wants more oil, it should be willing to pay for it by way of a higher market price."

The fact that elimination or reduction in depletion would mean less oil at higher

prices, can be illustrated by the following figures:

	Per barrel
Average U.S. price of crude oil in 1957	$3.09
Maximum amount available from 27½ percent depletion,[1] spent by oil producers to find more oil	.85
Loss in funds for oil exploration because of additional income tax of depletion were eliminated (52 percent tax rate on $0.85 per barrel)	.44
Increase in price of crude oil necessary to provide $0.44 per barrel for exploration after payment of 52 percent tax	.92

[1] The 27½ percent applies to gross income, but because depletion is limited to 50 percent of net income, the average for the industry is no more than 23 percent. However, depletion also applies to income from natural gas which is not included in the price of crude oil used above. If all such factors were taken into consideration in a more detailed calculation, the results would be approximately the same as shown in this analysis.

An increase of 2.2 cents per gallon in the price of crude oil would necessarily mean an increase in prices paid by consumers for petroleum products. The price of all products could increase by 2.2 cents per gallon, but it is most likely that the increase would be passed along in the form of higher prices for gasoline, the principal product derived from crude oil. As it takes 2.3 gallons of crude oil to make a gallon of gasoline, an increase of 2.2 cents per gallon in the price of crude oil would mean an increase of about 5 cents per gallon in the price of gasoline at the service station.

Looking a bit further into how percentage depletion has worked for the consumer we see that over the years since its enactment the oil industry has consistently furnished petroleum and its products at reasonable prices. In fact, gasoline today is one of the biggest bargains in America. For example, gasoline which is, as I stated earlier, the principal product derived from crude oil, is today selling—excluding tax—for about the same price that the consumer paid for a lower grade gasoline back in 1926—the year percentage was written into our tax law. In contrast to this the consumer price index since 1926 has increased more than 63 percent. Another way of looking at it shows that average hourly wages in 1926 would buy 2.6 gallons of gasoline excluding excise tax, whereas today an hours average earnings will buy about 10 gallons of a much better grade gasoline.

An enlightened minerals tax policy has contributed greatly to this accomplishment.

Aside from the adverse economic impact on the consumer which would surely follow any tampering with percentage depletion, there is still another direct benefit to the consuming public flowing from this wise congressional policy which must be weighed. The key to this Nation's standard of living is productivity. Our productivity and living standard are closely related to our high per capita consumption of energy and the substitution of energy from fuel for the work previously done—and still being done in nations with low energy use—by humans and animals.

During the past 30 years national income in the United States and indeed most of the other nations of the world has paralleled the growth in energy consumption. Expressing total energy in terms of equivalent gallons of oil consumed per year, national income varies from country to country in the direct relationship of $1 of national income per capita for each gallon of such energy consumption.

Today petroleum is furnishing more than 70 percent of the energy consumed in this Nation each year.

Under these circumstances can anyone be heard to question the wisdom of a tax policy laid down by Congress which over the years has encouraged intense search and development of adequate supplies of this valuable commodity. Our country has indeed been served well by this policy.

In addition to fueling America, the petroleum industry through its petrochemical advances is opening up vast horizons which already are providing new and useful products for America.

Stated simply, for over 32 years percentage depletion has contributed immeasurably to the American people by helping to provide at low costs the energy supplies and raw materials which are making more and better things available to more people.

PERCENTAGE DEPLETION AND OIL INDUSTRY EARNINGS

Mr. Speaker, as I mentioned earlier the oil industry, contrary to popular opinion, is not a high profit industry. To be sure, we hear of some who strike it rich in oil—but these are the cases that make the headlines. The large number who are barely getting by or who go broke each year make no headlines. One does not advertise his losses.

Statements are often made that earnings in the oil industry are excessive. Many are led to believe that unusual earnings are possible because of the depletion tax provision. Authoritative studies show that such generalizations are not based on facts.

While on occasion, a few individuals have been highly successful, this has been due to many varied factors, and not because of depletion. For the industry as a whole, earnings are no greater than for other industries. In fact, a study made by the First National City Bank of New York, covering the period 1938–57, shows the earnings for petroleum companies based on net worth are lower than the average return for manufacturing companies in general.

An industry's rate of return can be measured on many different bases such as net worth, assets, book value, sales, and so forth. Financial statistics published by the Government use the rate of profit on stockholders' equity as a basis for comparing rates of profit of the respective industries. Reports of the Federal Trade Commission, the Securities and Exchange Commission, and the Chase Manhattan Bank clearly show that the rate of return in the domestic petroleum industry is lower than most other major industries. The accompanying chart compares the rate of return during 1955–57 for 12 major industries. It deserves emphasis that funds retained through percentage depletion are included in the earnings upon which the rate of return for the domestic petroleum industry is based.

Also, as noted on the chart, the rate of return for the domestic petroleum industry, in addition to being lower than most other major industries, is below the 11.92-percent average of all manufacturing industries.

Mr. Speaker, the facts show that percentage depletion does not result in undue profits to the oil industry.

Comparative rate of return[1] in 12 major industries

[Average 1955–56–57]

[Figures in percent]

Autos and trucks	16.34
Other transportation (aircraft, vessels, etc.)	15.10
Stone, clay, glass	14.25
Chemicals	14.04
Iron and steel	12.54
Electrical machinery	12.07
Average all manufacturing	11.92
Other machinery	11.21
Paper	10.70
Fabricated metal products	10.00
Petroleum	9.97
Food	8.94
Textile mill products	5.23

[1] Rate of profit after taxes on stockholders' equity for industries with total assets of $5 billion and over.

Source: Federal Trade Commission, Securities and Exchange Commission, Chase Manhattan Bank.

In fact, the petroleum industry is now faced with an alarming trend because of increasing costs and shrinking profits. This trend is what the industry calls the sell out. Even under our present tax structure it is becoming more and more difficult to stay in the oil business. Last year a high officer in one of the leading banks in the Southwest announced that approximately 90 percent of its loans to the oil producing industry were made to finance the purchase of oil already found by producers who are selling out.

A cut in depletion rate would certainly accelerate this unfavorable trend, and cause a narrowing of the industry's broad base with all the adverse results on our economy which would flow from this occurrence. Percentage depletion was designed to encourage men to produce the oil they found and not sell out and thus concentrate this industry in the hands of a few companies.

Mr. Speaker, when I speak of the economic position of the petroleum industry I am always reminded of one of the greatest criticisms of percentage depletion, that it attracts too much investment which in turn finds too much oil. Without arguing the point, let us assume that percentage depletion does attract large amounts of capital into the oil industry—it is only performing the job Congress wants and expects of it. Can you think of anything wrong with having an essential industry adequately financed?

As I see it, Mr. Speaker, sufficient capital attracted into an essential industry serves to increase oil reserves and which in turn keeps prices reasonable and America, oilwise, strong—what is wrong with that?

THE OIL INDUSTRY'S TAX BILL

Mr. Speaker, another contention often heard is that the oil industry does not pay its fair share of taxes.

Now just what is its fair share of this Nation's tax bill? Who can say what an industry should be paying in taxes? I can say this, however, in my State last year the oil producing industry paid 53 percent of the tax load.

On the national scene according to statistics of income published by the Treasury Department the income tax paid by companies classified as petroleum producers both here and abroad represent about 7.2 percent of their gross revenue compared with about 5 percent for manufacturing corporations, and 3.9 percent for all industries.

Mr. Speaker, another very important factor when considering tax consequences is that finding and producing oil is the creation of new taxable wealth. If the oil is not found and produced our State and Federal Governments will be deprived of direct tax revenues of approximately $1.80 per barrel.

An outstanding expert in this field of petroleum economics and taxation, Dr. Richard Gonzalez, of Houston, Tex., in 1957 declared:

> The truth is that at current prices and tax rates the production from a typical well over its life will generate income tax revenues of about 44 cents a barrel and severance and property taxes of about 20 cents a barrel. Furthermore, the petroleum products made from a barrel of crude oil are the source of an additional $1.15 in taxes paid by consumers. Therefore, the discovery and development of crude oil in the United States can be expected to generate direct tax revenues of about $1.80 per barrel, plus other tax receipts from the related increase in general economic activity.

Mr. Speaker, the Treasury Department has told us that a reduction in percentage depletion to 15 percent rate would increase tax revenue by about $325 million from the domestic oil-producing industry.

I cannot prove or disprove this figure, but I do have serious doubts that such would be the case because I fear the domestic petroleum industry would decline to such an extent if we tamper with the existing rates that quite possibly no increase in revenue would result by such a reduction in rate.

Mr. Speaker, I have only touched on a few of the many, many factors that must be considered in any appraisal of the 27½-percent depletion rate for oil and gas. However, as I stated in the beginning of my remarks this subject must be appraised and will be by the objective and searching analysis which is planned by the Ways and Means Committee during its overall study of the Internal Revenue Code. However, again let me repeat that I felt it my duty and responsibility to set the record straight in light of the completely inaccurate and misleading statements regarding this vital tax provision that are being made these days.

In conclusion, Mr. Speaker, I wish to quote from a statement recently made before the Ways and Means Committee by the Treasury Department concerning percentage depletion.

> A sound national policy must, of necessity, provide for the development and replenishment of all our vital mineral resources as a part of our economic arsenal to insure our security and to provide for growth and expansion. Only in this manner can we provide the goods and services in peacetime requisite to our national development and to provide work opportunities for an expanding labor force and for the best use of technological developments. Such a policy requires that we develop such resources at a rate that will, on the average, exceed the rate of domestic demand. Only then will we have a margin which can be used should we be confronted with emergency demands either for our own use or for that of our allies.
>
> The philosophy of percentage depletion must, therefore, be properly examined not only in the context of our overall tax structure but in the light of such national considerations as those suggested.

I hope everyone will keep these words of the Treasury Department in mind whenever considering this vital tax provision—percentage depletion.

THE SMALL BUSINESS TAX PROBLEM

Mr. RIEHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RIEHLMAN. Mr. Speaker, today I have introduced a small business tax reform measure that is identical to one introduced earlier in the session by several of my former colleagues on the Small Business Committee.

For those of you who have had the benefit of the extensive remarks by my very able colleague, the gentleman from Ohio [Mr. MCCULLOCH], no further explanation is in order. For those of you who have not, I would refer you to those remarks on page 6353 of the April 20th CONGRESSIONAL RECORD. They provide a very learned analysis of the small business tax problem.

Until such time as you are able to peruse these remarks, let me briefly impress upon you the contents of this legislation and the need for its passage. A healthy small business economy is an integral and vitally necessary segment of the total economic picture. If the business economy is to expand in order to meet the needs and demands of a growing population it is imperative that our small business institutions have the means to effect a growth and expansion on a sound, constructive basis. Ours is the responsibility for providing these means. The bill which I have introduced today will help us fulfill this responsibility by permitting more of a small business' earnings to be plowed back into growth, expansion, and modernization. Among other provisions it allows deductions at different taxable income levels up to a maximum taxable income of $150,000.

It is of the utmost importance that we give small business a chance to breathe and to grow and to maintain itself at a level of expansion that is essential to a strong and free nation.

USDA PROPOSES DISCONTINUANCE OF LAMB GRADING

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, Subcommittee No. 5 of the House Small Business Committee, of which I am privileged to serve as chairman, this week opened its study of the food industry.

The subcommittee was very much surprised and alarmed to learn from a representative of the Western Meat Packers' Association yesterday that the Department of Agriculture has announced its intention to consider the suspension of Federal grading of lamb and mutton carcasses effective August 1, 1959.

This is a matter of tremendous concern to the small businessmen in the packing industry, and of even greater importance to the buying public.

The protection given the consumer by Federal standards in the grading of meat is a long-established governmental service. The Department has been grading lamb since about 1925. The service is a self-supporting one in that companies who request it pay for the grading.

Small businessmen in the meat packing industry feel that this step will be ruinous to their business as well as costly to the lamb producers. They argue that the way to improve the service where it is necessary is to make needed changes, not to discontinue it.

The U.S. Department of Agriculture's Federal Meat Grading Service is voluntary. Any owner of meat can employ a Federal meat grader at the rate of $5 an hour to grade lamb, veal, or beef carcasses. The cost is a very small fraction of a cent per pound. When the carcass is graded prime, choice, or good, by a Federal grader, the buyer knows that he is getting the quality of meat he desires. The buyer is not at the mercy of the largest advertising budget or fancily worded private labels. Retailers and consumers do and can have faith in the quality of the product when identified as carrying the Federal grade. Small packers and small food retailers benefit along with livestock producers and the consumers.

On May 25, 1959, the Department of Agriculture issued a press release announcement that the Department proposes to suspend Federal grading of lamb and mutton carcasses, effective August 1, 1959. Notice was given interested parties that the deadline for expressing their views on that proposal was June 22, 1959. Representatives of

small packers and others sought a postponement of that deadline. The gentleman from Texas, WRIGHT PATMAN, chairman, House Small Business Committee, on June 17, 1959, joined the small businessmen in their request for a 30-day postponement. We are advised that the Secretary of Agriculture has granted the extension to July 6, 1959. However, that does not mean that the Secretary of Agriculture has made any change in his plans for the suspension of Federal grading of lambs and mutton to be effective August 1, 1959.

From these circumstances it is clear that Federal grading of lamb and mutton is in danger of suspension and elimination. It appears that this action is imminent and is being taken without adequate consideration. The testimony presented to our subcommittee about this problem causes serious concern. It has been called to the attention of our colleague the gentleman from North Carolina, Hon. HAROLD D. COOLEY, chairman, House Committee on Agriculture.

It has been suggested to the Committee on Agriculture that this matter might merit its consideration. Also, it has been stated that Subcommittee No. 5 of the House Small Business Committee is planning to ask the Secretary of Agriculture to have a representative appear before the subcommittee and discuss the matter. I hope the full weight of public opinion will be brought to bear that the proposed action of the Department of Justice may be set aside.

COMMITTEE ON APPROPRIATIONS

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Thursday to file a report on the supplemental appropriation bill, 1960.

Mr. TABER. Mr. Speaker, reserving the right to object, this is a very important bill and if there is not going to be much of an attendance here I think it would be questionable whether we ought to take it up on Monday.

I think therefore I shall have to object.

The SPEAKER. Objection is heard.

NATIONAL AERONAUTICS AND SPACE ACT OF 1958—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 187)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, I transmit herewith for the information of the Congress the first semiannual report of the National Aeronautics and Space Administration covering the period October 1, 1958, through March 31, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *June 24, 1959.*

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Washington, D.C.

U.S. Government bonds: Value computed at prices of selected dates

	Outstanding Apr. 30, 1939	Value computed at bid prices of June 11, 1959	Loss from face value	Value computed at bid price of June 30, 1952, and amount outstanding Apr. 30, 1959	Value computed at bid price of June 30, 1949, and amount outstanding Apr. 30, 1959	Value computed at bid price of June 30, 1945, and amount outstanding Apr. 30, 1959
2¼ percent, 1959–62 (June 1, 1945)	$5,266,347,500	$4,950,366,650	−$315,980,850			
2¼ percent, 1959–62 (Nov. 15, 1945)	3,454,997,500	3,223,944,542	−231,052,958	$3,413,969,405	$3,517,619,330	
2⅛ percent, 1960	3,806,483,000	3,713,699,977	−92,783,023			
2¾ percent, 1960–65	1,485,383,100	1,455,675,438	−29,707,662	1,627,887,041	1,667,936,683	
2¾ percent, 1961	2,239,262,000	2,159,488,291	−79,773,709			
2½ percent, 1961	11,177,152,000	10,667,194,440	−509,957,560			
2½ percent, 1962–67	2,111,466,300	1,856,770,678	−254,695,622	2,113,445,800	2,190,646,286	$2,179,429,122
2½ percent, 1963	6,754,695,500	6,252,315,022	−502,380,478			
2½ percent, 1963–68	2,819,310,500	2,424,607,030	−394,703,470	2,793,090,912	2,906,532,919	2,890,674,297
3 percent, 1964	3,854,181,500	3,620,521,747	−233,659,753			
2½ percent, 1964–69 (Apr. 15, 1943)	3,742,525,500	3,181,146,675	−561,378,825	3,685,218,078	3,843,105,873	3,819,715,088
2½ percent, 1964–69 (Sept. 15, 1948)	3,817,534,000	3,230,588,148	−586,945,852	3,744,237,347	3,914,165,329	3,890,305,742
2⅝ percent, 1965	6,896,234,000	6,262,642,501	−633,591,499			
2½ percent, 1965–70	4,698,723,000	3,952,800,724	−745,922,276	4,613,558,646	4,807,380,969	4,776,545,600
2½ percent, 1966–71	2,945,806,000	2,500,252,843	−445,553,157	2,892,413,266	3,012,086,635	2,994,595,912
3 percent, 1966	1,484,298,000	1,365,554,160	−118,743,840			
2½ percent, 1967–72 (June 1, 1945)	1,832,555,500	1,531,329,190	−301,226,310	1,795,904,390	1,855,279,188	
2½ percent, 1957–72 (Oct. 20, 1941)	2,715,988,750	2,254,270,663	−461,718,087	2,676,946,412	2,846,695,709	2,869,611,864
2½ percent, 1967–72 (Nov. 15, 1945)	3,699,286,000	3,091,215,864	−608,070,136	3,625,300,280	3,764,023,505	
4 percent, 1969	1,276,393,000	1,260,438,088	−15,954,912			
3⅞ percent, 1974	653,811,500	628,849,366	−24,962,134			
3¼ percent, 1978–83	1,602,891,500	1,400,526,448	−202,365,052			
4 percent, 1980	884,115,500	862,565,185	−21,550,315			
3¼ percent, 1985	1,134,867,500	990,881,186	−143,986,314			
3½ percent, 1990	1,727,014,500	1,535,963,209	−191,051,291			
3 percent, 1995	2,739,998,500	2,291,323,746	−448,674,754			
Total	84,821,321,650	76,664,931,811	8,156,389,839			

Face value of securities which were outstanding Apr. 30, 1959, and June 30, 1945	$22,851,354,050
Value at prices of June 11, 1959	19,400,436,161
Loss at market price	−3,450,917,887
Value at prices of June 30, 1952	22,518,910,461
Loss at market price	−332,443,589
Value at prices of June 30, 1949	23,520,613,720
Gain at market price	+669,259,670
Value at prices of June 30, 1945	23,420,877,625
Gain at market price	+569,523,575

COMMITTEE ON APPROPRIATIONS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a report on a continuing resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TABER reserved all points of order.

FLUCTUATIONS IN THE VALUE OF TREASURY BONDS

Mr. McCORMACK: Mr. Speaker, I ask for unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include certain tables.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, it is very interesting to note the effects of the market fluctuations on the value of Treasury bonds.

The par value or maturity value of marketable Treasury bonds outstanding on April 30, 1959, was $84,800 million. The value of these bonds computed at the closing prices on June 11, 1959, was $76,700 million, a decline in value of $8,200 million below maturity value.

I include as part of my remarks the following table:

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Texas.

Mr. PATMAN. Does not the gentleman believe that at some point the Federal Reserve should support the market on Government bonds as an agency of the Congress?

Mr. McCORMACK. I think the Federal Reserve has an obligation to enter into the picture that exists. The administration wants the ceiling on interest lifted. Personally, I think that would be most unwise. What else might have to be done is a different proposition; but one thing is certain, the Federal Reserve has an obligation and a responsibility.

My purpose here is to show this tremendous loss of $8,200 million in the maturity value of long-term bonds now outstanding.

H.R. 3

Mr. DORN of South Carolina. 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 South Carolina?

There was no objection.

Mr. DORN of South Carolina. Mr. Speaker, I have not received a single letter from any of the members of the REA cooperatives in my district opposing H.R. 3. Therefore, it came as a shock to me, and all southern Congressmen today during debate when we learned of a letter written by Clyde T. Ellis, general manager of the National Rural Electric Cooperative Association, opposing H.R. 3.

In this letter, Mr. Ellis very skillfully followed the Socialist line by intimating that the 4 million consumers of REA power in America were opposed to this great States rights bill of Judge HOWARD SMITH, of Virginia. Nothing, Mr. Speaker, could be further from the truth. Mr. Ellis is doing REA a great disservice by misrepresenting the thinking of REA members and by projecting himself into legislation and debate on this floor which in no manner affects REA or the REA cooperatives.

Mr. Ellis, by opposing this States rights bill, is not working in the best interest of REA. By joining the CIO and the NAACP in opposing this great legislation he is only hurting REA. Last year H.R. 3 passed this House by an overwhelming majority. It passed this House again a few moments ago by a comfortable majority. It is interesting to note that nearly all House Members from the REA areas voted for States rights. This fact alone would indicate that Mr. Ellis is wrong. Mr. Ellis, in my opinion, does not represent a majority of the REA consumers in opposing H.R. 3.

Mr. Speaker, I am a consumer of REA power and I voted for H.R. 3 last year and again this year and I will continue to vote for it. Mr. Ellis does not represent me as a farmer and consumer of REA power. I believe H.R. 3 is in the best interest of rural communities, free local government, and States rights. REA has nourished and grown in areas with this States rights philosophy. This legislation was made necessary by the Steve Nelson case. Steve Nelson was a Communist convicted under the State laws of Pennsylvania. The Supreme Court of the United States turned Nelson loose on the public on the grounds that there was a Federal law against sedition and espionage. This bill, H.R. 3, is an effort on our part to change the law so that our States can continue to have laws, as well as the Federal Government, against sedition, Communist intrigue, and overthrow of our representative form of Government.

It is strange to me why anyone would project the great REA cooperatives and the membership into this debate here today. I condemn this attempt to line the REA up with the Supreme Court and the defenders of Steve Nelson.

Mr. Speaker, H.R. 3 is the most important States rights bill in a generation. Rural people everywhere are for individual liberty and States rights. The Farm Bureau is actively supporting H.R. 3. The Grange has time and time again adopted resolutions against too much Federal control and has always favored States rights. Mr. Speaker, you will not find Communists, seditionists, or Fascists out on our farms tilling the soil. REA consumers are patriotic Americans. They believe in liberty and the Christian principles upon which the United States was founded. They have nothing in common with Steve Nelson. They do not believe in these many wild decisions of the Supreme Court. Our farmers are opposed to gangsters, crooks, and racketeers. Speaking for my fellow REA consumers all over the United States, I honestly believe they are overwhelmingly for States rights, individual liberty, and H.R. 3. I hope H.R. 3 as passed by the House will be acted on in the other body and become the law of the land.

DISTRESSED LABOR MARKET AREAS STILL NEED AID FROM FEDERAL GOVERNMENT AS PROVIDED IN FLOOD-DOUGLAS AREA REDEVELOPMENT BILL

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois.

There was no objection.

Mr. FLOOD. Mr. Speaker, this is another in a series of statements and supporting statistics that I have been making in support of the area redevelopment bill, sometimes called the Flood-Douglas bill.

WASHINGTON, D.C., June 25.—Although unemployment in the United States as a whole has declined to 4.9 percent, the rate in 179 areas classified as distressed labor markets remains at 10.8 percent, Solomon Barkin, secretary-treasurer of the Area Employment Expansion Committee, said here today.

Barkin released his study in connection with a series of breakfast meetings with freshmen Congressmen being conducted by the committee this week. The committee was formed to press for area redevelopment legislation similar to the bill adopted by Congress last year, but vetoed by President Eisenhower.

An analysis of State and Federal statistics shows that one-third of the Nation's unemployed is concentrated in these distressed labor markets, which contain only one-seventh of the working population, Barkin said.

"Economic recovery has cut the unemployment rate in nondepressed markets to 4.2 percent," Barkin noted. "But there has been little relief for the areas where the problem is greatest; nor is any substantial improvement likely to occur in the future. Actually we can expect the number of distressed labor markets to increase in the months ahead, despite the probable continuation of the business upturn. Where basic industries have been lost, the normal benefits of general economic recovery do not apply."

"The 179 distressed labor markets are spread across 29 States," Barkin said. "The greatest concentration is in the Northeast, with 28 in New England and 35 in the Middle Atlantic States. Fifty-eight are in the South, 45 in the North Central States, and 13 in the West," he added.

"Thirty-two of the distressed labor markets are classified as major by the Department of Labor, and 132 as smaller. There are 15 others too small for inclusion in the Federal figures," Barkin said.

"The highest unemployment rate in the Nation, 23.1 percent, is in the Biddeford-Sanford area in Maine," Barkin continued. "Others with 20 percent or more are Uniontown-Connellsville, Pa., and Pikeville, Ky.; Williamson, W. Va., with 22.8 percent; Saint Helens, Oreg., 20.6 percent; and Astoria, Oreg., 20 percent. Twenty other labor markets show more than 15 percent jobless and 66 range from 10 to 15 percent.

"In 70 of these areas," Barkin added, "substantial unemployment began in 1957—in other words, before the nationwide recession. In 1 area the rate has exceeded 6 percent since 1951; in 17, since 1952; in 8, since 1953; in 15, since 1954; in 13, since 1955; and in 16, since 1956.

"In addition to these urban distressed areas, there are at least 663 counties qualifying for rural redevelopment benefits," Barkin said. "They have a population of more than 15.5 million and are divided among 20 States."

The persistence of high unemployment in distressed labor market areas, despite the general economic recovery, underlines the importance of the area redevelopment bill, S. 722, passed by the Senate and reported by the House Banking and Currency Committee, the study noted.

"Without the assistance of the Federal Government as provided in this legislation, pockets of chronic unemployment will continue to grow in areas which need economic redevelopment," Barkin said. "The need for prompt and favorable action by the House is urgent so that the essential planning can get under way."

FACT SHEET No. 38

Employment, unemployment, and unemployment as percent of labor force in distressed labor markets in the United States, by geographical region, May 1959

TABLE I

Region, State, number of distressed labor markets	Civilian labor force (total)	Unemployment (total)	Unemployment as percent of the labor force	Region, State, number of distressed labor markets	Civilian labor force (total)	Unemployment (total)	Unemployment as percent of the labor force
United States (179)	10,079,293	1,090,657	10.8	United States—Con.			
				North Central (45)	2,907,420	325,560	11.2
Northeast (63)	4,489,950	490,264	10.9	East North Central (38)	2,764,570	309,500	11.2
New England (28)	1,232,750	114,184	9.3	West North Central (7)	142,850	16,060	11.2
Middle Atlantic (35)	3,257,200	376,080	11.5	West (13)	338,700	38,028	11.2
South (58)	2,343,223	236,805	10.1	Mountain (2)	35,160	4,275	12.2
South Atlantic (29)	1,026,405	119,405	11.6	Pacific (11)	303,540	33,753	11.1
East South Central (22)	1,131,296	102,130	9.0				
West South Central (7)	185,522	15,270	8.2				

FACT SHEET No. 38–A

Employment, unemployment, and unemployment as percent of labor force in distressed labor markets in the United States, by geographical region, May 1959

TABLE II

Region, State, number of distressed labor markets	Date	Civilian labor force (total)	Unemployment (total)	Unemployment as percent of the labor force	Most recent date of start of substantial labor surplus
United States (179)		10,079,293	1,090,657	10.8	
Northeast (63)		4,489,950	490,264	10.9	
New England (28)		1,232,750	114,184	9.3	
Connecticut (9)		385,400	27,700	7.2	
Major		217,200	14,800	6.8	
Bridgeport	May 1959	139,600	10,600	7.6	November 1957.
Waterbury	do	77,600	4,200	5.4	July 1957.
Smaller		168,200	12,900	7.7	
Ansonia	May 1959	19,900	1,700	8.5	August 1957.
Bristol	do	19,800	1,600	8.1	July 1957.
Danielson	do	15,900	1,200	7.5	March 1955.
Meriden	do	39,100	2,600	6.6	October 1957.
Norwich	do	21,600	1,500	6.9	July 1959.
Thompsonville	do	26,900	2,500	9.3	November 1957.
Torrington	do	25,000	1,800	7.2	Do.
Maine (2)		61,200	10,200	16.7	
Smaller:					
Biddeford-Sanford	February 1959	27,700	6,400	23.1	March 1954.
Lewiston-Auburn	do	33,500	3,800	11.3	January 1957.
Massachusetts (14)		410,250	35,399	8.6	
Major		235,350	20,703	8.8	
Fall River, Mass.-R.I.	April 1959	57,250	4,637	8.1	Do.
Lawrence	do	56,340	4,113	7.3	January 1952.
Lowell	do	52,850	5,338	10.1	Do.
New Bedford	do	68,910	6,615	9.6	November 1957.
Smaller		152,220	12,128	8.0	
Haverhill	April 1959	21,580	1,640	7.6	May 1957.
Milford	do	23,900	1,530	6.4	June 1957.
Newburyport	do	14,370	1,135	7.9	November 1957.
North Adams	do	17,520	2,523	14.4	January 1957.
Pittsfield	do	37,150	2,452	6.6	November 1957.
Southbridge-Webster	do	22,350	1,743	7.8	Do.
Ware	do	15,350	1,105	7.2	January 1958.
Very small		22,690	2,568	11.3	
Gloucester	April 1959	11,440	1,464	12.8	September 1957.
Great Barrington	January 1959	3,650	450	12.3	February 1958.
Plymouth	April 1959	7,600	654	8.6	November 1957.
Rhode Island (2)		360,130	40,160	11.2	
Major: Providence	March 1959	343,800	38,900	11.3	July 1951.
Smaller: Newport	do	16,330	1,260	7.7	March 1957.
Vermont (1)		15,760	725	4.6	
Smaller: Springfield	April 1959	15,760	725	4.6	January 1958.
Middle Atlantic (35)		3,257,200	376,080	11.5	
New Jersey (4)		248,700	31,500	12.7	
Major: Atlantic City	March 1959	63,700	9,600	15.1	January 1952.
Smaller		172,500	19,800	11.5	
Bridgeton	March 1959	48,600	6,400	13.2	March 1955.
Long Branch	do	123,900	13,400	10.8	February 1955.
Very small: Wildwood	do	12,500	2,100	16.8	January 1955.
New York (12)		993,800	104,180	10.5	
Major		665,400	68,100	10.2	
Buffalo	April 1959	[1] 528,000	56,500	10.7	January 1958.
Utica-Rome	May 1959	137,400	11,600	8.4	November 1957.
Smaller		328,400	36,080	11.0	
Amsterdam	January 1959	23,000	3,100	13.5	January 1955.
Auburn	March 1959	25,900	3,200	12.2	Do.
Batavia	January 1959	21,200	2,200	10.4	February 1957.
Elmira	May 1959	[1] 39,500	3,200	8.1	November 1957.
Glen Falls-Hudson Falls	do	37,450	2,850	7.6	May 1958.
Gloversville	January 1959	23,450	5,000	21.3	January 1955.
Kingston	do	42,450	4,400	10.4	January 1958.
Newburgh-Middletown-Beacon	December 1958	78,400	7,630	9.7	June 1957.
Oneida	April 1959	[1] 17,000	1,700	10.0	November 1957.
Plattsburgh	January 1959	20,050	2,800	14.0	February 1958.

Footnote at end of table.

Employment, unemployment, and unemployment as percent of labor force in distressed labor markets in the United States, by geographical region, May 1959—Continued

TABLE II—Continued

Region, State, number of distressed labor markets	Date	Civilian labor force (total)	Unemployment (total)	Unemployment as percent of the labor force	Most recent date of start of substantial labor surplus
Northeast (63)—Continued					
Middle Atlantic (35)—Continued					
Pennsylvania (19)		2,014,700	240,400	11.9	
Major		1,565,850	172,900	11.0	
Altoona	March 1959	53,600	6,400	11.9	January 1952.
Erie	do	99,600	15,300	15.4	January 1957.
Johnstown	April 1959	97,850	13,400	13.7	July 1953.
Pittsburgh	do	970,200	89,400	9.2	January 1958.
Scranton	March 1959	102,900	16,500	16.0	January 1952.
Wilkes-Barre-Hazleton	do	138,400	23,700	17.1	Do.
York	do	103,300	8,200	7.9	May 1957.
Smaller		448,850	67,500	15.0	
Berwick-Bloomsburg	do	21,600	2,900	13.4	May 1957.
Butler	do	34,950	5,300	15.2	March 1958.
Clearfield-DuBois	do	35,600	5,400	15.2	November 1952.
Lewiston	do	22,400	2,400	10.7	November 1957.
Lock Haven	do	14,900	1,700	11.4	March 1957.
New Castle	do	37,300	6,100	16.4	March 1958.
Oil City-Franklin-Titusville	do	29,600	3,300	11.1	March 1958.
Pottsville	do	78,600	14,500	18.4	January 1952.
Sayre-Athens-Towanda	do	20,600	2,200	10.7	May 1958.
Sunbury-Shamokin-Mount Carmel	do	63,400	9,100	14.4	November 1952.
Uniontown-Connellsville	do	45,600	10,400	22.8	March 1958.
Williamsport	do	44,300	4,200	9.4	March 1957.
South (58)		2,343,223	236,805	10.1	
South Atlantic (29)		1,026,405	119,405	11.6	
Maryland (4)		79,600	9,475	11.9	
Smaller		56,600	6,925	12.2	
Cumberland, Md.-W. Va	February 1959	39,750	5,550	14.0	January 1952.
Westminster	December 1958	16,850	1,375	8.2	November 1957.
Very small		23,000	2,550	11.1	
Crisfield	July 1957	10,500	800	7.6	July 1957.
Elkton	December 1958	12,500	1,750	14.0	January 1958.
North Carolina (10)		293,660	25,350	8.6	
Major		99,565	7,100	7.1	
Asheville	March 1959	51,450	3,900	7.6	January 1956.
Durham	do	48,115	3,200	6.7	January 1957.
Smaller		194,095	18,250	9.4	
Fayetteville	March 1959	33,450	3,480	10.4	March 1956.
Kinston	April 1959	21,400	2,400	11.2	April 1957.
Mount Airy	March 1959	22,650	1,910	8.4	June 1956.
Rockingham-Hamlet	April 1959	14,735	2,595	17.6	March 1957.
Rocky Mount	do	42,845	2,945	6.9	April 1957.
Rutherfordton-Forest City	March 1959	16,615	1,315	7.9	November 1956.
Shelby-Kings Mountain	do	25,500	2,405	9.4	March 1955.
Waynesville	April 1959	16,900	1,200	7.1	March 1954.
Virginia (3)		78,975	6,350	8.0	
Smaller:					
Big Stone Gap-Appalachia	March 1959	20,200	2,700	13.4	April 1955.
Carroll and Grayson	do	14,800	1,050	7.1	March 1957.
Radford-Pulaski	April 1959	43,975	2,600	5.9	January 1956.
West Virginia (12)		574,170	78,230	13.6	
Major		348,500	42,350	12.2	
Charleston	March 1959	114,550	13,100	11.4	March 1954.
Huntington-Ashland-W. Va.-Ky.-Ohio	do	92,500	12,300	13.3	March 1957.
Wheeling, W. Va.-Steubenville, Ohio	do	141,450	16,950	12.0	November 1957.
Smaller		225,670	35,880	15.9	
Beckley	February 1959	23,700	6,500	27.6	March 1953.
Bluefield	December 1958	23,110	4,220	18.3	June 1957.
Clarksburg	April 1959	32,100	3,250	10.1	April 1957.
Fairmont	do	25,050	3,110	12.4	November 1952.
Logan	February 1959	21,480	3,980	18.5	March 1954.
Morgantown	April 1959	19,580	3,000	15.3	April 1958.
Point Pleasant-Gallipolis, W. Va.-Ohio	February 1959	38,810	4,100	11.1	November 1952.
Ronceverte-White Sulphur Springs	do	19,240	2,700	14.0	Do.
Welch	December 1958	22,600	5,020	22.2	February 1954.
East South Central (22)		1,131,296	102,130	9.0	
Alabama (6)		168,800	14,145	8.4	
Smaller:					
Alexander City	April 1959	17,940	1,025	5.7	July 1957.
Anniston	do	34,035	2,520	7.4	June 1957.
Florence-Sheffield	December 1958	45,535	4,775	10.5	Do.
Gadsden	April 1959	33,640	2,365	7.0	February 1957.
Jasper	March 1959	16,850	1,450	8.6	November 1952.
Talladega	do	20,800	2,010	9.7	June 1957.
Kentucky (11)		565,800	60,850	10.8	
Major: Louisville, Ky.-Ind	March 1959	300,100	21,400	7.1	November 1957.
Smaller		265,700	39,450	14.8	
Corbin	March 1959	26,050	3,050	11.7	July 1953.
Hazard	do	19,500	2,600	13.3	Do.
Hopkinsville	October 1958	28,100	2,700	9.6	October 1957.
Madisonville	March 1959	25,800	3,400	13.2	September 1953.
Middlesboro-Harlan	do	27,600	5,850	21.2	July 1953.
Morehead-Grayson	do	20,350	4,050	19.9	August 1954.
Owensboro	October 1958	27,750	2,850	10.3	April 1954.
Paducah	November 1958	43,150	5,850	13.6	May 1957.
Paintsville-Prestonburg	March 1959	23,250	3,600	15.5	July 1953.
Pikesville-Williamson	October 1958	24,150	5,500	22.8	Do.
Mississippi (1)		25,746	2,235	8.7	
Smaller: Greenville	February 1959	25,746	2,235	8.7	
Tennessee (4)		370,950	24,900	6.7	
Major		255,000	17,250	6.8	
Chattanooga, Tenn.-Ga	March 1959	[1] 115,000	7,850	6.8	January 1957.
Knoxville	do	[1] 140,000	9,400	6.7	January 1956.
Smaller		115,950	7,650	6.6	
Bristol-Johnson City-Kingsport, Tenn.-Va	April 1959	99,600	5,400	5.4	September 1957.
La Follette-Jellico-Tazewell	October 1958	16,350	2,250	13.8	January 1954.

See footnotes at end of table.

Employment, unemployment, and unemployment as percent of labor force in distressed labor markets in the United States, by geographical region, May 1959—Continued

TABLE II—Continued

Region, State, number of distressed labor markets	Date	Civilian labor force (total)	Unemployment (total)	Unemployment as percent of the labor force	Most recent date of start of substantial labor surplus
South (58)—Continued					
West South Central (7)		185,522	15,270	8.2	
Arkansas (1)		29,175	2,600	8.9	
Smaller: Pine Bluff	March 1959	29,175	2,600	8.9	October 1957.
Oklahoma (3)		43,925	3,500	8.0	
Smaller:					
Ardmore	February 1959	14,225	950	6.7	November 1957.
McAlester	April 1959	12,650	950	7.5	August 1954.
Okmulgee-Henryetta	March 1959	17,050	1,600	9.4	February 1958.
Texas (3)		112,422	9,170	8.2	
Smaller:					
Galveston-Texas City	April 1959	[1] 54,000	4,250	7.8	November 1957.
Laredo	March 1959	22,422	2,220	9.9	January 1958.
Texarkana, Tex.-Ark	April 1959	[1] 36,000	2,700	7.4	January 1954.
North Central (45)		2,907,420	325,560	11.2	
East North Central (38)		2,764,570	309,500	11.2	
Illinois (10)		253,325	32,925	13.0	
Smaller		230,600	30,800	13.4	
Canton	February 1959	15,050	1,025	6.8	August 1956.
Centralia	November 1958	22,500	2,700	12.0	March 1957.
Harrisburg	March 1959	25,800	2,475	9.8	January 1955.
Herrin-Murphysboro-West Frankfort	February 1959	69,500	15,600	22.4	January 1952.
La Salle	January 1959	27,475	1,775	6.5	January 1957.
Litchfield	February 1959	24,375	2,700	11.1	March 1954.
Mount Carmel-Olney	December 1958	20,650	2,050	9.9	February 1955.
Mount Vernon	April 1959	25,250	2,475	9.8	April 1954.
Very small		22,725	2,125	9.4	
Cairo	November 1958	11,425	1,100	9.6	January 1955.
Chester-Sparta	July 1958	11,300	1,025	9.1	August 1955.
Indiana (7)		254,490	22,900	9.0	
Major		124,900	9,700	7.8	
Evansville, Ind.-Ky	April 1959	80,800	5,600	6.9	September 1957.
Terre Haute	March 1959	44,100	4,100	9.3	January 1952.
Smaller		129,590	13,200	10.2	
Connersville	March 1959	22,370	2,110	9.4	September 1957.
Michigan City-La Porte	January 1959	35,160	3,840	10.9	March 1954.
Muncie	March 1959	41,700	3,900	9.4	January 1956.
New Castle	October 1958	15,230	2,030	13.3	April 1958.
Vincennes	February 1959	15,130	1,320	8.7	January 1952.
Michigan (14)		2,034,350	233,400	11.5	
Major		1,789,300	208,700	11.7	
Detroit	April 1959	1,454,000	175,000	12.0	March 1956.
Flint	do	140,200	18,000	12.8	April 1957.
Grand Rapids	do	138,500	11,100	8.0	February 1957.
Muskegon	do	56,600	4,600	8.1	July 1956.
Smaller		245,050	24,700	10.1	
Adrian	December 1958	27,700	3,100	11.2	July 1957.
Bay City	April 1959	33,000	3,700	11.2	September 1956.
Escanaba	February 1959	14,900	2,000	13.4	January 1956.
Iron Mountain	December 1958	15,600	2,400	15.4	April 1954.
Jackson	April 1959	46,800	3,200	6.8	September 1957.
Marquette	February 1959	16,500	2,500	15.2	January 1956.
Monroe	November 1958	23,100	2,100	9.1	April 1956.
Owosso	December 1958	17,100	1,000	5.8	September 1957.
Port Huron	April 1959	34,000	3,700	10.9	January 1956.
Sturgis	February 1959	16,350	1,000	6.1	January 1958.
Ohio (5)		175,300	16,200	9.2	
Smaller:					
Athens-Logan-Nelsonville	March 1959	20,900	2,200	10.5	March 1958.
Cambridge	August 1958	17,200	1,500	8.7	November 1957.
East Liverpool-Salem	March 1959	30,600	2,100	6.9	September 1957.
Portsmouth-Chillicothe	November 1958	61,700	5,100	8.3	May 1957.
Springfield	August 1958	44,900	5,300	11.4	February 1957.
Wisconsin (2)		47,105	4,075	8.7	
Smaller:					
Beloit	January 1959	17,520	1,405	8.0	November 1957.
La Crosse	do	29,585	2,670	9.0	January 1958.
West North Central (7)		142,850	16,060	11.2	
Kansas (2)		50,455	5,550	11.0	
Smaller:					
Coffeeville-Independence-Parsons	November 1958	28,030	2,250	8.0	January 1956.
Pittsburg	March 1959	22,425	3,300	10.4	March 1954.
Missouri (5)		92,395	10,510	11.3	
Smaller		64,475	6,550	10.2	
Flat River	March 1959	30,875	3,450	11.2	January 1958.
Joplin	February 1959	33,600	3,100	9.2	November 1957.
Very small		27,920	3,960	14.2	
Caruthersville	February 1959	11,450	1,560	13.6	June 1957.
Sedalia	January 1959	13,670	1,850	13.5	April 1958.
Versailles	November 1958	2,800	550	19.6	October 1958.
West (13)		338,700	38,028	11.2	
Mountain (2)		35,160	4,275	12.2	
Montana (2)		35,160	4,275	12.2	
Smaller:					
Butte	December 1958	19,200	2,400	12.5	September 1957.
Kalispell	do	15,960	1,875	11.7	November 1957.

See footnotes at end of table.

Employment, unemployment, and unemployment as percent of labor force in distressed labor markets in the United States, by geographical region, May 1959—Continued

TABLE II—Continued

Region, State, number of distressed labor markets	Date	Civilian labor force (total)	Unemployment (total)	Unemployment as percent of the labor force	Most recent date of start of substantial labor surplus
West (13)—Continued					
Pacific (11)		303,540	33,753	11.1	
Washington (7)		263,380	26,320	10.0	
Major: Spokane	April 1959	95,600	6,800	7.1	November 1957.
Smaller		167,780	19,520	11.6	
Aberdeen	February 1959	26,300	3,080	11.7	February 1957.
Anacortes	do	20,020	3,080	15.4	January 1958.
Bellingham	do	26,610	2,970	11.2	Do.
Everett	do	42,220	5,040	11.9	Do.
Olympia	do	38,080	3,920	10.3	February 1957.
Port Angeles	August 1958	14,550	1,430	9.8	Do.
Oregon (4)		40,160	7,433	18.5	
Very small:					
Astoria	January 1958	12,560	2,513	20.0	January 1958.
Gold Beach	March 1958	6,050	848	14.0	March 1958.
McMinnville	do	11,750	2,050	17.4	Do.
St. Helens	do	9,800	2,022	20.6	Do.

[1] Estimated.

Source: State employment security agencies.

WISCONSIN ECONOMICS PROFESSOR PROPOSES AMENDMENTS TO S. 1120 TO AVOID $15 BILLION GIVEAWAY TO THE BANKS AND THUS MAKE IT UNNECESSARY TO INCREASE TAXES BY ONE-HALF BILLION DOLLARS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, Dr. Arthur P. Becker has written me pointing out what he calls three very strong weaknesses in the American Bankers Association bill, S. 1120, which the House will vote on next Tuesday. Dr. Becker is a highly respected authority in the field of money and banking and a distinguished educator. He is chairman of the Economics Department of the University of Wisconsin at Milwaukee.

Dr. Becker reaches an interesting conclusion with reference to the feature of the bill which would give away $15 billion of Government-owned bonds and other interest-bearing obligations to the private banks. It is his view that since Congress will be passing this bill, if it does pass it, it will be Congress that is creating the money which pays for this $15 billion of securities, which will, as he says, "in reality be given free to the banks."

In addition, Dr. Becker adds a point which we all know, which is that approximately one-half billion dollars a year in interest charges on these securities which is now being paid back into the Federal Treasury will, under this bill, go into bank profits. He says this will make it necessary for Congress to increase taxes by one-half billion dollars annually.

HOW TO COMPENSATE FOR BONUS TO NEW YORK AND CHICAGO BANKS

Dr. Becker proposes three amendments to S. 1120 to correct the three weaknesses he points out. One of these is that Congress require the Federal Reserve Board to increase reserve requirements for the country banks by 3 percentage points and increase reserve requirements for the Reserve city banks by 2 percentage points, above the present requirements for these two classes of banks. Raising reserve requirements for the country banks and the Reserve city banks by these amounts would compensate for the special bonus contained in the bill for the New York and Chicago banks and for so-called vault-cash provision.

I will insert Dr. Becker's letter in the RECORD for the benefit of those Members who would like to consider his other suggested amendments. Dr. Becker has concluded by saying that unless the present weaknesses of the bill can be corrected by amendments, he is convinced "that the interest of the Nation would require that the bill be defeated."

My only observation about correcting these weaknesses is that, while I fully agree that they should be corrected, correcting them would defeat the purpose of the bill and make it pointless to pass the bill. So while the professor is doubtless 100 percent correct in his analysis of the bill and its practical effects, I suspect he may not be expert in the practical politics of bankers' legislation.

I will insert Dr. Becker's letter at this point, then I want to speak briefly on the question why the newspapers have not informed the American people about this legislation:

THE UNIVERSITY OF WISCONSIN,
Milwaukee, June 22, 1959.

Congressman WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: On May 13, 1959, the U.S. Senate passed S. 1120 with only eight Members of the Senate present and voting. The bill, as reported to the House, makes three changes in the law relating to the reserves that Federal Reserve member banks must maintain against their demand deposits. After studying the bill carefully, I find that there are at least three very strong weaknesses of the proposed changes:

1. It places no restriction on the portion of legal reserves in the form of vault cash. While it is unlikely, a member bank can withdraw all of its deposits with its Federal Reserve bank. This raises serious questions of control or policing of reserves as well as potential problems of liquidity.

2. It would dilute still further the inadequate control over the supply of money (potential) by the Government as compared with the private commercial banks. Banks even now have the potential to increase the supply of money by many billions, and it is not necessary to give them still more leverage.

3. In order to prevent the bill from creating a considerable money inflation ($15 billion worth) it will be necessary for the Fed to sell $15 billion worth of U.S. obligations. Since the $15 billion in money will be created by Congress in passing the bill and changing reserve requirements, these U.S. obligations will in reality be given free to the banks. Further, it means that the $500 million in interest which now is turned over by the Fed to the Treasury will be received and kept by the banks, thus making it necessary to increase taxes by $500 million annually.

In order to overcome the above objections and problems which would arise out of S. 1120 if it were passed "as is" by the House, I would recommend the following amendments by the House of Representatives:

1. If vault cash is to be counted as legal reserves, its use should be limited to the present average of vault cash to net demand deposits which is 3 percent for country banks and 2 percent for Reserve city banks.

2. In order that the Fed (i.e., U.S. Government) will retain the same potential control over the money supply of the United States as it now has it will be necessary for the statutory minimums and maximums to be as follows:

	Minimums	Maximums	Average increase
Reserve city banks	From 10 to 11 1+	From 20 to 22 2=	3+2=1.5 points.
Country banks	From 7 to 9 2+	From 14 to 18 4=	6+2=3.0 points.

3. In order that the bill will not be inflationary, and to avoid the need of the Fed to sell $15 billions in U.S. obligations and raising taxes by $.5 billion, the Fed should be directed to increase present reserve requirements, when the bill becomes effective, in the amount of 3 percentage points for country banks and 2 percentage points for Reserve city banks. It might also be desirable to prohibit the Fed in reducing legal reserve requirements if such action must be offset by the Fed selling U.S. obligations or other assets to the public or commercial banks.

I hope that you will make every effort to eliminate the objections to the bill. If the bill cannot be amended to eliminate these objections, either in the way I have suggested or perhaps some other effective way, I am convinced that the interests of the nation would require that the bill be defeated.

Sincerely yours,

ARTHUR P. BECKER,
Chairman, Department of Economics.

WHY THE NEWSPAPER SILENCE ON THE BOND GIVEAWAY BILL?

Several Members of the House have been discussing this bond giveaway bill for some weeks now, and making reference to it in their newsletters home. In the past few weeks I have received several hundred letters from people in all parts of the country asking such questions as "Why don't the newspapers print anything about this legislation?" or "How do the New York bankers manage to keep this thing out of the newspapers and off the airwaves?" and so on. Furthermore, several of the Members have told me that they have reported on this bill in their newsletters to their constituents, and that the volume of letters they have received in reply has been terrific, with many letters asking the same question—What is wrong with the newspapers? For example, this afternoon I received a short letter from the publisher and editor of the Liberty Free Press in California which expresses a belief held by many people that the newspapers refuse to print as a matter of policy anything that would be offensive to the bankers. This is from a publication which specializes in matters of "money, banks, and taxes," and reads as follows:

LIBERTY FREE PRESS,
Oakland, Calif., June 22, 1959.

Hon. WRIGHT PATMAN,
Representative from Texas,
House Office Building, Washington, D.C.

"Federal Reserve Audit Shocking" (Oakland Tribune heading for Associated Press article on Monday evening, June 22, 1959).

DEAR CONGRESSMAN PATMAN: Attached clipping from "Ex-Senator" Bill Knowland's Oakland Tribune in today's issue.

Congratulations to you. How in the world the Associated Press ever gave your disclosures this cross-country publicity is beyond my comprehension.

Now bring forth the fact about the great giveaway bond deal of $15 billion (but I do not believe any paper in the country would print that).

Sincerely,

LESTER O. WISLER,
Publisher and Editor.

The truth is, I suspect, most of the newspapers have simply overlooked the bond giveaway bill. All of them have not overlooked it, of course, because there are a few, such as the New York Times, which I have written about the bill; and the refusal of these papers to report on the bill cannot be blamed on ignorance. But on the whole I think the papers have just overlooked it, or they have not regarded the matter as something that would be of particular interest to their readers. One of the reasons I think this is so, is that on Monday I released a report on the "high living" of the officers and employees of the Federal Reserve System and gave some examples of their wasteful and extravagant use of public funds for personal and other improper purposes. The wire services, both AP and the UPI, sent out news reports on that, and the story was carried in papers all over the country. It was carried even in several papers which have reputations for screening the news with exceptional vigilance with reference to big banker matters and all other matters tending to challenge their "solid Republican" standards of what is fit to print. Certainly, then, it would hardly be reasonable to assume that the newspapers have been silent on the bank giveaway bill merely because of banker influence. At least I do not myself believe that the ABA's influence is quite that strong.

THE WHEAT BILL

Mr. McGOVERN. 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 South Dakota.

There was no objection.

Mr. McGOVERN. Mr. Speaker, we all know that one of the most serious problems of American agriculture today is the mounting surplus of wheat. We have sent a bill to the President which calls for a reduction of 25 percent in wheat acreage at a saving of some $500 million to the taxpayers during 1960 and 1961.

For some time the Secretary of Agriculture has been contending that if farmers were given a chance to express their own preferences, they would choose low price supports with uncontrolled production. If the President will sign the bill now on his desk, the farmers will be given an opportunity to go to the polls and make a clear-cut choice between low price supports with unlimited production, or 90 percent of parity price supports with marketing quotas. If as many as one-third of the wheat farmers of the Nation vote in favor of low price supports and uncontrolled production, and turn down the other alternative they can have what Mr. Benson says they wish. On the other hand, if they approve of the allotments provided for in this bill at 90 percent of parity, we will have reduced surplus wheat production by nearly 300 million bushels for each of the years 1960 and 1961 and saved the taxpayers $500 million. It is unthinkable to me that the administration would veto such a logical proposal. If the President does veto the wheat bill, his action can only be interpreted as another indication of Secretary Benson's stubborn resistance to hard economic facts.

THE WHEAT BILL

Mr. TEAGUE of California. 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 California?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, I take this time to point out that there is a decided difference of opinion as to whether the wheat bill to which the previous speaker referred will save or cost money. It is the opinion of the Secretary of Agriculture and mine that if this bill is enacted into law, it will cost the taxpayers of this country and the housewives a great deal more money than the present program. Furthermore, the bill provides for a return to the principle of 90 percent of parity guaranteed price supports. Certainly it has been demonstrated that price supports at that level simply are not realistic and have not worked. It is as simple as that.

Farmers know that a 25-percent reduction of wheat acreage will not mean a 25-percent reduction in the total wheat supply. Poorer acres will be taken out of production; the remaining acreage will be better farmed; and the cutdown in production will be materially less than 25 percent.

THE WHEAT BILL

Mr. ALBERT. 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 Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, on the question of differences of opinion, there cannot be any difference of opinion about the fact that the bill that we sent to the White House will take 14 million acres of production. The bill we sent to the White House will prevent overplanting which has added about 22,500,000 bushels per year. The bill we sent to the White House will eliminate the practice of adding 100,000 new 15-acre farms each year to contribute to the production of wheat in this country. On these matters there is no doubt. All of these things will lower the production of wheat.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from California.

Mr. TEAGUE of California. Is it not also true that the bill sent to the White House proposes to return to the principle of 90 percent price support guarantee?

Mr. ALBERT. The gentleman is correct. We sent a bill down to the White House that will preserve the income of farmer and cut down on the production of wheat. These were the purposes of the bill. These things the bill will do.

THE WHEAT BILL

Mr. SAYLOR. 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 Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, it is very interesting that the recent wheat bill that is supposed to have the marvelous effect of increasing parity and decreasing acreage and production also disenfranchises and prevents from voting many thousands of small wheatgrowers in the State of Pennsylvania and everywhere else in the country. I am satisfied that if the wheat bill really gave the right to vote to all of the wheat farmers of Pennsylvania and in the United States you would have an overwhelming number of the small wheatgrowers, not only in Pennsylvania, but throughout the United States vote against it, and you would have a majority of all of the wheatgrowers of the country vote against this unfair agricultural bill.

INSERTIONS IN THE APPENDIX OF THE CONGRESSIONAL RECORD

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. MOELLER] is recognized for 30 minutes.

Mr. MOELLER. Mr. Speaker, I rise at this time to join with my colleagues, the distinguished gentleman from California [Mr. TEAGUE] and Missouri [Mr. JONES] in commenting on the ridiculous practices we have all observed with respect to insertions in the Appendix of the CONGRESSIONAL RECORD. In particular, I want to commend the gentleman from Missouri [Mr. JONES] on his scholarly presentation in the CONGRESSIONAL RECORD for June 11, at which time he introduced his bill, H.R. 7676, to limit the present practice to some reasonable extent.

In no wise do I wish to cast any reflection upon any individual Member of this House, nor do I wish to inhibit them in any way in the free expression of their opinions through either the written or the spoken word. However, there is a time and a place for everything, and it takes no more than a casual reading of the RECORD to ascertain that we are grossly abusing the public trust in many respects in our misuse of the privilege of making insertions in the CONGRESSIONAL RECORD. We, as good stewards of the taxpayer's dollar, should pay serious attention to the need to curb reckless extravagance in the Government's printing bill, just as we attempt to curb similar extravagances in the executive agencies when they come to our attention.

We all know that much of this material which appears in extensions of remarks, either in the body of the RECORD, or in the Appendix, is of such nature that it seems designed to serve personal political advantages rather than the public good. Whether it is intended to benefit the individual who makes the insertion, or another who may be expected to reciprocate at some later date makes no essential difference. The use of the CONGRESSIONAL RECORD for personal political gain is, it seems to me, not in accord with the purposes to which the RECORD should be limited.

Further, many of the insertions which do not fit into this category are of a more or less frivolous or useless nature. There may be more to some of it than what meets the eye, but even in the few short months that I have been a regular reader of the RECORD, my eyes have come upon lines of little consequence and of doubtful propriety for a CONGRESSIONAL RECORD. At times I wish that it were possible or practical to operate the RECORD on the same basis as a commercial magazine or a newspaper; that is, to have a board of editors or some other form of review to assess the content matter of what is presented for printing to pass on its usefulness and the purpose it might serve. I realize, however, the practical difficulties of such procedures and the difficulty of setting standards and living up to such standards. It seems, therefore, that a system of limitations such as those proposed in H.R. 7676 or H.R. 7687, as introduced by the gentleman from California [Mr. TEAGUE] as of this moment presents the best possibility for a practical application of money saving procedures.

As the gentleman from Missouri [Mr. JONES] pointed out on June 11, for the first 5 months of this year the cost of printing the CONGRESSIONAL RECORD has already amounted to $1,142,655, an increase of $128,945 over the similar period in the 1st session of the 85th Congress. Since the amount of matter inserted continues to increase steadily, we will soon be faced with a situation where we are putting out a daily publication the size of a Sears-Roebuck catalog unless we take action to force a little self-control upon our Members.

Furthermore, with respect to cost, the figure I have just mentioned does not, of course, tell the whole story. For every insertion in the RECORD copies are presumably mailed out under the frank to interested parties, or to persons whom we Members, sometimes stretching a point, assume to be interested parties. This adds to the cost of postal operations. In many cases reprints are ordered in the thousands for distribution through the mails. They bear the imprint "Not printed at Government expense," and this is true. However, as we know, much of this material is mailed out under the frank and in manila envelopes not charged to the Member's stationery account but for which the taxpayer foots the bill. There are none of us who have not read accounts of instances of such mass mailings of propaganda inserted in the RECORD, reprinted, and then mailed out to the propaganda organization's mailing list of thousands, and all under the congressional frank.

I submit that these junk insertions have less justification than the so-called junk mail about which many of us bitterly complain. I realize that for many of us there is a feeling of obligation to constituents who may request it, that we insert material of which we do not personally think much in the RECORD. A limitation, then, could be a protection for the individual Member subjected to pressure to submit to such requests, as well as a means of saving tax dollars.

I have examined the bills which I have mentioned previously and I believe that they present a proper approach. I believe, however, that the restrictions they impose may be a little too stringent to have a reasonable chance for approval, particularly as they apply to insertions having to do with legislative matters when such matters are not at that time the subject of debate in either the House or the other body. For that reason, I have today introduced a similar bill, but have modified it to the extent that I believe it to be a reasonable, prudent, and acceptable first step in attempting to bring a situation which is fast getting out of hand under control. It is obvious that the control measures instituted by the Joint Committee on Printing had only a temporary effect, through no fault of the committee. What is needed is more drastic action by the full membership of the Congress to police its printing policies. My bill, and those introduced by my colleagues, should be given prompt attention by the Committee on House Administration to which they have been referred.

MILITARY AIR TRANSPORT SERVICE

The SPEAKER. Under previous order of the House, the gentleman from South Carolina [Mr. RIVERS] is recognized for 30 minutes.

Mr. RIVERS of South Carolina. Mr. Speaker, over the years, continuously and without ceasing certain statements are made impugning and questioning the operation of MATS and the reasons for its existence. These statements are misleading, unfair, incorrect and strike at the security of his country and the capability of the Military Air Transport Service to fulfill its mission in implementing the striking power of SAC. Very recently, a statement was made on the floor of this House which needs to be answered and which the taxpayer has a right to have answered. Disaster may result to our armed services during an emergency if adequate and timely military air transportation is not available. To be sure, those of you who are present this afternoon remember the Beirut operation last summer, the Berlin airlift, and the Taiwan operation, not counting other emergencies both military and acts of God.

In this day of the missile and of the atomic and hydrogen bombs, America does not possess the luxury to build on the skeletons of the past. Whatever we possess by way of offense or defense, must be in being, on hand, and not on order.

I know whereof I speak. As a part of my statement today, I include for the record a report I made on the MATS

scarcely a year ago. This report answers many of the equivocal statements being said to many of the unsuspecting Members of the Congress by the beneficiaries of the MATS program, the small business law, and the charity of the Department of Defense. It is high time that somebody come to the defense of MATS. It is high time that the facts be known and it is high time that the very people who are living off MATS' business be exposed for undermining the morale of MATS and threatening the security of this Nation.

I call upon the Defense Department to come to the aid of the reason for MATS' existence. I call upon the Department of the Air Force to take official notice of these insidious attacks on the MATS. As a member of the Committee on Armed Services and as a member of the Committee on Merchant Marine and Fisheries, I am familiar with recent statements comparing MATS with Military Sea Transport Service, MSTS. Recently it was said that the country needs more airlift. In response to this, I readily admit that certain hypothetical situations, such as limited war conducted simultaneously in several geographical areas, could demand more airlift than is presently available. However, the Joint Chiefs of Staff determine airlift requirements, in consonance with national strategy. In addition, the economy of the Nation necessarily affects the magnitude of the calculated risk which must be assumed by the Nation in this regard.

Second. It has been said that although we have developed STRAC, the Strategic Army Corps of four divisions, it would take some 17 days to airlift even the spearhead of one of these divisions, such as the 101st Airborne Division, to a trouble spot abroad such as the Middle East. I stated that evaluation of a plan which contemplates the air movement of a division spearhead force to troubled areas reveals that it would take substantially less than 17 days.

Third. It has been stated that most of the airlift would not be available for limited war anyway since it would be earmarked for the Strategic Air Command, and that therefore, "It will be necessary to create additional airlift capacity." This statement is not correct. The USAF does reserve a portion of airlift capability for immediate deployment of SAC. However, the USAF simultaneously provides airlift for the requirements of an emergency situation. This ability was clearly demonstrated in the Lebanon and Formosa crises of last year.

Fourth. We have a sound and historic example in the civilian merchant marine which has been the backbone of sealift in every war in which this country has participated. The facts are, a review of the capability of the merchant marine to respond to World Wars I and II leads to conclusions quite different. In neither war had private industry provided shipping in the amount required. After each war the merchant marine suffered a decline, as provide by the following figures from Lloyd's Register Book:

Gross tons launched

[In thousands, ships over 100 tons]

1905	107
1910	178
1915	157
1916	383
1917	821
1918	2,602
1919	3,580
1920	2,349
1925	79
1930	214
1935	32

It may be noted that delivery of most of these hastily constructed ferro-concrete ships did not occur until after the war was over. Lloyd's reports further that total gross tonnage available as a result of the building program was:

[In thousands of gross tons]

1914	4,330
1920	14,574
1935	12,223

In 1939, only 13 percent of the merchant marine ships were under 15 years of age.

The same trend existed during World War II, as reported by the U.S. Maritime Commission.

Tonnages, in ships of 1,000 gross tons and over, excluding special types and those owned by the military forces were on hand as follows:

Sept. 1, 1939	8,125
June 30, 1946	38,587
June 30, 1947	30,901
June 30, 1948	26,689
June 30, 1949	25,997
Jan. 1, 1951	25,793

Of the 1951 merchant fleet, represented by 3,500 ships, only 1,400 of these ships were active, with 2,100 in reserve fleets.

By June 1948, over 1,000 U.S. vessels had been sold to other nations.

By 1951, U.S. shipbuilding had dropped to seventh place, contributing only 5.1 percent of the world's new construction. The postwar building pattern within U.S. wards has been as follows:

Number of ships and tonnage (deadweight)

1946: 460	4,000,000
1947: 53	518,000
1948: 33	269,000
1949: 18	390,000
1950: 40 [1]	1,065,000

[1] All tankers, but only four registered under the U.S. flag.

From the foregoing, it is apparent the shipbuilding industry and the merchant marine, although heavily subsidized, has not developed a sufficiently large and modern fleet to meet the requirements of war. The effect of international competition is alarmingly illustrated in the decrease in new construction. The decline of an operating fleet is further evidenced in the decrease of contractor operated ships. From a peak of 1,500 Government-owned ships on charter in 1947, the number had dropped to about 200 by January 1950.

The Merchant Marine Act came into existence in 1936 to enable the shipping industry to survive foreign competition through the payment of subsidies. A 10-year program was established at that time by the Maritime Commission to build 50 ships a year. This Government-sponsored program was overtaken by events. One hundred and eighty-five ships were built from 1939 to 1941; 5,592 from 1942 through 1945.

Fifth. The Navy has never felt it necessary to build up a merchant marine of its own to compete directly with the civilian merchant marine in time of peace so as to have its own merchant marine in war, it has been alleged. The fact is the very existence of MSTS proves that the Navy—and the Army, too—never relied completely on the merchant marine. MSTS is composed of transports formerly owned and operated by the two services.

Sixth. The question has been asked, is there any reason to suppose that the civilian crews and managements of the U.S. commercial airlines are any bit less courageous or less patriotic than the civilian sailors and management of the U.S. merchant marine? The truth is the response of the merchant mariners in the recall of those ashore, and in the training of the thousands of apprentice seamen to man this war-built fleet was indeed magnificent. Their actions throughout the war fully justified the praise that has been heaped upon them.

The Military Air Transport Service counts on a similar response from the employees of the Nation's civil airlines. As proof of this confidence, the Civil Reserve Air Fleet is counted on to provide over one-third of the wartime airlift. War, limited or total, in this day and age, however, cannot await the training of crews, and the building of an air fleet. It will be fought with the force in being.

Seventh. Again, it has been asked how best can the national airlift be tripled? It can best be done by a triple expansion of our civil airlift. This way is most in keeping with our free enterprise traditions; it is the cheapest, and it has a long history of success. I assert that the converse is true. The tremendous growth of the U.S. commercial air carriers since World War II can be attributed to the initiative and perseverance of private enterprise. Operating war-surplus, prewar designed transports in 1945, the industry has developed and is operating over 1,000 modern four-engine aircraft and innumerable twin-engine aircraft throughout the country and the world, made possible by the creation of new civil markets.

The Air Force has endeavored to encourage this growth by refusing to charter any significant number of aircraft to commercial operators. Instead, MATS has contracted only to those airline operators who had invested in equipment. The increased use of modern pressurized equipment has not only provided a reasonably comfortable ride for its passengers, but has discouraged the use of obsolescent civil air fleets.

The absence of venture capital for investment in the rather stable ocean

transport business has been a factor requiring different policies for the operation of the Military Sea Transport Service. The Merchant Marine Act of 1936 has been expanded by a Commerce-Defense agreement to limit the size of the MSTS fleet—"to carry out logistic needs of the military departments which cannot be met by commercial interests." Of the MSTS owned fleet, nearly one-half of its ships are leased by contractors who do not possess commercial vessels, but who bid for the MSTS traffic.

Eighth. The question has again been asked why should not MATS imitate MSTS and book 70 percent of its traffic on civil carriers? The answer is based on MATS present requirements the 70 percent increase would substantially increase the cost to the taxpayer. Since MATS must continue to train in order to maintain D-day readiness the added cost of flying the major portion of its fleet empty while procuring commercial airlift to the extent of 70 percent would increase the cost of airlift transportation of the Department of Defense by over $500 million.

Ninth. It has been said that the more transport planes that can be built up by the civil industry, the fewer that will have to be purchased and operated entirely at the taxpayers' expense. Everyone knows that transport planes purchased solely to satisfy military requirements will be operated by the military or civil authority.

Tenth. These MATS haters always get around to the Hoover Commission. As a matter of fact, the Hoover Commission is used as an excuse to destroy the military generally. The Hoover Commission has been used to practically skeletonize the naval shipyards of this country. It has been used for everything except running for Congress. It has just about outlived its usefulness and should be replaced. It has been stated that the bipartisan Hoover Commission unanimously recommended that only after commercial carriers have been utilized to the maximum practicable extent, should transportation on service carriers be authorized.

This is a sound principle and who can really argue against it?

The primary point in question is whether or not military or civil capacity should have first consideration in assessment of our national air transport capability for defense. Military consideration dictates the size and composition of the military air transport force. Further, our military strategists place heavy reliance on augmentation of our military force with civil capability through the Civil Reserve Air Fleet program. In this regard, the Special Subcommittee No. 4 of the Committee on Armed Services, House of Representatives, over which I had the honor to be chairman in the 85th Congress, stated in its second session report that:

> The committee has heard it said that commercial aircraft could perform the military missions of MATS. In the committee's view it could as logically be said that bomb bays could be installed in commercial aircraft for delivery of weapons to the target, or commercial trucks be equipped as missile-launching equipment. It is also pointed out that the military strategic transports will have post-D-day operations that because of the size and sensitivity of the material transported could not under any circumstances be assigned to, or even accommodated by, commercial aircraft, even if operated by military personnel. The committee feels that the importance of the transport mission calls for a continued peacetime operation of the MATS system at least at its current level of activity to insure its D-day readiness.

After establishing and recognizing the requirement for a Military Air Transport force we then must consider the utilization that is made of the transport capacity that this force generates in peacetime as a result of the training program and the requirement to attain a reasonable operational tempo consistent with the current force-in-being concept of the Joint Chiefs of Staff. With reference to this aspect of this consideration the committee report stated that:

> The committee supports the policy and practice of the military in obtaining the most beneficial use of the airlift generated by MATS' peacetime operations and meeting essential requirements. The procurement of civil airlift to meet requirements which exceed MATS' capability should be continued.

The report further states that:

> The Department of Defense would be amiss in wasting public moneys to procure such airlift merely to provide business to commercial operators. This would constitute a subsidy with funds appropriated for military defense purposes, which never has been intended by Congress.

The subcommittee reiterates their support of the requirement to utilize the capacity of MATS by stating that:

> Such peacetime use of MATS' airlift reflects much credit on the Defense Establishment and, rather than being the subject of probes and repeated, costly, time-consuming investigations, is deserving a favorable and affirmative recognition by the Congress.

The President of the United States, in a memorandum to the Secretary of Defense, dated July 23, 1958, recognized the necessity, even in an atmosphere of investigation and review, to direct the Secretary of Defense as follows:

> In connection with our previous discussion of the study you are to make of the military role performed by MATS in peace and war, I am looking forward to having your report of your findings as soon as practicable.
>
> While reviewing areas where MATS may be performing transportation roles in duplication of commercial enterprises, you will also need, I am sure, to see that careful consideration is given to the requirement of the Military Establishment to retain or augment its worldwide combat mobility, with due regard to the attendant necessity for realistic training on a continuous basis, as well as the economical use in peacetime of airlift necessarily generated by a ready D-day force.

Eleventh. We should be encouraging the growth of U.S. international civil airlift because the greatest defense need is the long-haul transport planes capable of spanning the oceans. The fact is that the Air Force recognizes that a fleet of aircraft to provide immediate and responsive logistic support for the military services in time of emergency must be diversified and flexible. It must be without restraint. It is true that, based on the assumption the island bases are denied us, the airfleet must be intercontinental. But of equal or greater importance is the need for an aircraft to do each of the following:

Possess the capability of hauling outsized cargo such as missiles and the majority of Army vehicles. Such a capability is contained in the C–133.

Possess a fast reaction time to provide support for the strategic bomber forces in case of full hostilities and tactical forces in the event of limited situations such as Formosa. This fast reaction time can only be achieved by an aircraft having speeds commensurate with the SAC bomber force. These speeds are available in C-jets.

Possess an intercontinental capability—overseas only—for distribution of supplies and troops and close support to combat troops. This close support entails the necessity for short takeoff and landing distances on semiprepared strips.

Twelfth. It has been said on this floor that a survey has been made of all U.S. civil airlines, large, small and medium ones, asking them to tell how much unused space they expect to have during the fiscal year ending June 30, 1960, to transport additional military traffic.

A tabulation of the replies received indicates that these civil airlines expect to have over 1.3 billion ton-miles of capacity during fiscal year 1960 to carry extra military traffic. The truth is that the fact which is not recognized is that the 1.1 billion ton-miles forecast for MATS activity is exclusively overseas airlift. Of the 1.3 billion ton-miles of reported available civil lift, approximately 1.050 billion or 79 percent was domestic or intra-Alaska and Hawaiian Islands. Also, much of the offered capability relates to helicopter, single and twin-engine equipment. Obviously, aircraft which cannot fly over ocean as well as other airlift available within the continental limits and within Alaska and the Hawaiian Islands cannot be utilized to satisfy transatlantic and transpacific airlift requirements.

It must be realized that civil operators do not fly empty airplanes over their routes so that a large percentage of the international airlift reported represents fractional plane loads. Traffic load factors on commercial airlines have seasonal and directional variations. It is impossible to adjust Department of Defense airlift requirements to the extent that would be necessary to effectively utilize the unused space available on the U.S. scheduled international operators. A few seats here and there, available on a few hours' notice, cannot be used to meet Department of Defense airlift requirements unless personnel processing centers are reestablished to hold Department of Defense passengers for long periods of time.

Thirteenth. It has been alleged that MATS has been far too prone to indulge in luxury passenger planes that could not possibly carry Army tanks or missiles. The fact is that MATS aircraft

are all cargo capable; however, some are currently used in passenger operations but are immediately convertible to cargo or air evacuation. These aircraft are not outfitted to luxury standards. All missiles used by the U.S. Army can be carried by MATS cargo planes.

Fourteenth. It is said that the Department of Defense has even officially proposed to our House Appropriations Committee a one-third decrease in the use of civil airlift, while at the same time asking for huge increases to be spent on their own fleet of Government-owned transport planes. Everybody knows that the Department of Defense can budget only for requirements known at the time. As an example, the fiscal year 1959 budget for overseas commercial airlift augmentation of MATS was $58 million. MATS spent more than $71 million. Actually, MATS' financial plan calls for an equivalent amount of commercial airlift for fiscal year 1960. Included is a substantial amount of commercial airlift to be used in connection with training maneuvers.

Contrary to being a "huge" amount, the increase is in consonance with the need to exercise the fleet at 5 hours' utilization in order to be prepared for its D-Day mission.

Fifteenth. The wild statement has been made that MATS has mushroomed in size so that it now operates approximately 1,500 airplanes.

This is characteristic of the constant misrepresentations made on this floor regarding the size of MATS.

Mr. Speaker, the major airlines are fast converting some piston to jet aircraft. Many of the piston aircraft are being sold. Much of this type of airplane is being bought by certain untested and untried operators who seek to get MATS' business. They use the subterfuge of the Small Business Law enacted by this Congress. They would take these planes and completely destroy the effectiveness of MATS. They are carrying on an endless tirade of abuse against MATS. If this siren's song is heeded, we will have no military aircraft in time of war. Could it be expected that these operators would fly into a combat zone in a time of emergency? To be sure they would be unavailable. There would be no law requiring them to operate in a combat zone. This country would wake up with a Maginot Line of no use. If all of our aircraft were placed in the lines of scheduled carriers, could it be expected that these planes would be available at a moment's notice with all the long-range commitments which these distinguished public servants possess? Could it be expected that this indispensable industry might be disrupted overnight?

Mr. Speaker, this country needs MATS, this country needs MATS in-being, and Mr. Speaker, this country needs MATS capable of fulfilling its wartime mission. The war plans of MATS are not available to the public. They are part and parcel of our war overall mobilization program of the Joint Chiefs. What MATS sorely needs is adequate and new jet-powered aircraft to fulfill its minimum requirements. Recently this very body denied the MATS with money to modernize its equipment.

Mr. Speaker, I make the categorical statement that the MATS stands on the brink of disaster. I sound this warning now and I stated that a part of this impending tragedy is a constant attack by the beneficiaries of the program which has put these people in business.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I am delighted to yield.

Mr. BOW. Mr. Speaker, the gentleman has made a fine statement on the question of MATS. I wonder if the gentleman does not also feel that the great reserve of airpower that we have in the standby reserve of the commercial airlines of the country are not also contributing to the national defense. As the gentleman knows, the great commercial fleet we have is really on a standby basis, on a basis of 24 hours call, with their crews and equipment. By this plan we are saving the taxpayers of the country millions of dollars every year.

Mr. RIVERS of South Carolina. MATS has a reserve aircraft program in which these fine airlines participate. I am not talking about the first-class aircraft carriers of this country. I am talking about these vultures who get the business of MATS and then try to stab them in the back. I was not talking about the legitimate people.

Mr. BOW. I think I understood what the gentleman was talking about.

Mr. RIVERS of South Carolina. Of course; the fine airline industry which backs up MATS does save the taxpayers money. I hope the gentleman will read my statement, because I have taken up these attacks and have numbered them from 1 through 12 and have answered every attack made on MATS. I have tried to point out that I was not referring to the people in the legitimate air-carrier business.

Mr. BOW. Mr. Speaker, I thank the gentleman for the suggestion. I agree that MATS does a great deal of good for us. Sometimes I am a little concerned about some of the people who are riding MATS, people who take a free ride on MATS. I have in mind some correspondents who recently went to a conference in London.

Mr. RIVERS of South Carolina. And they are the same people who criticize Congress for riding MATS, but they are the same people who are running around trying to get a free ride on MATS.

Mr. BOW. That is correct. These gentlemen are the same ones who will criticize Members of Congress who have to ride MATS on official business.

Mr. RIVERS. That is exactly right.

Mr. BOW. And they are now riding MATS and they are taking their free rides, but they forget to mention that in their column.

Mr. RIVERS. They do not plan to mention that or to give any good publicity to any Member of the Congress on that score. I thank the gentleman for his fine contribution.

I hope the gentleman will read my statement because I have put in considerable time on this statement. In it I show how without MATS we cannot have an adequate SAC to protect this country and put the fear of God in the hearts of those who would destroy this Government.

Mr. BOW. Of course, we do not refer directly to Members of the Congress by name on the floor. We do not refer to Members of the other body by name on the floor. But it has been suggested we could use the name of Drew Pearson, the columnist who was riding MATS just the other day.

Mr. RIVERS. Of course, he is in a special class.

EAMON DE VALERA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 15 minutes

Mr. FOGARTY. Mr. Speaker, in just a few hours a great world figure will step out of the arena of active political life in his home country to become the head of his state. This is a fiting climax to the great career of Eamon de Valera for so long the active leader of the Irish people who last week voted for his election as President of Ireland and thereby accorded him an appropriate recognition of his great work for Ireland and indeed the world over a period of half a century.

In a special sense, Mr. de Valera has always been held in particular regard in the United States. His affection for America and the close bonds he has always maintained with the great Irish-American community here allied to the fact of his birth here make him in some sense an American. To Americans he is not the outsider that any other world figure might be, but rather a cousin living distantly but constantly in communication. He was born in New York in 1882, and when only 3 years old went from the New to the Old World to his mother's country, where he was destined for greatness. This child, born far from the land for which he was to achieve so much, at an early stage exhibited the qualities that enabled him to fulfill his mission in after life. He had a brilliant academic career, and he has enjoyed an international reputation as a fine mathematician. He grew up in an Ireland still under alien domination, an Ireland still carrying on the centuries-old struggle for freedom and the right to control and guide its own destiny. His great love for his country matured in conditions which enabled him to see clearly the tragic wrong being inflicted on his homeland. The attempt over centuries to stamp out Ireland's great cultural heritage had partially succeeded, and this success was typified by the fact that in large areas of the country that ancient and beautiful language of the people had been lost. It was not strange, therefore, that at an early stage the young de Valera dedicated himself to the proposition of Patrick Pearse, the 1916 leader, of an Ireland not only free, but Irish speaking as well. In 1908 he joined the Gaelic League, the organizatior concerned with

the restoration of the Irish language and the Gaelic culture, which was founded by Douglas Hyde, who, coincidentally, became Ireland's first President under a constitution pioneered to success by Mr. de Valera himself in 1937. At the same time his interests spread into the general field of the resurgence of Ireland, and in 1913, at its foundation, he joined the Irish Volunteers. After this the tempo of events quickened in Ireland and led to the great rising of Easter, 1916. Mr. de Valera commanded the Irish forces in a critical area of Dublin on the route along which British reinforcements hurried from England would travel. In the struggle he exhibited a fine grasp of military tactics and showed those qualities of organization, coolness, audacity, and courage which distinguished his subsequent life of public service. He was the last of the 1916 commandants to surrender, and only at the last moment was spared the cruel fate of the other leaders who were executed by firing squads. Instead, he was imprisoned in Britain.

Eamon de Valera now stood out as the great Irish leader. His sincerity, his ability, his complete dedication to Ireland's cause was proved. He was in the direct line of descent from Ireland's great heroes who generation after generation had led the fight for Irish freedom and who in consequence had suffered death or banishment. Released from prison in 1917 he immediately was elected President of Sinn Fein and of the Irish Volunteers and won an election for Sinn Fein in County Clare, a constituency he has represented up to the present. Again jailed in 1918, the year of the great Sinn Fein victory at the polls which marked the people's enthusiastic endorsement of the glory of 1916, he made a dramatic escape 9 months later. The Sinn Fein deputies scorned to sit in a British Parliament and instead convened in Dublin in January 1919 as Ireland's first Dail or Parliament. They recessed and then reassembled in April 1919 and unanimously made Mr. de Valera President.

The final War of Independence was now in progress and to elicit support for Ireland's cause and recognition of her valid claim to independence Eamon de Valera in 1919 returned to the country of his birth. Everywhere in the United States he was received enthusiastically and it was fitting that a country which has received so much from Ireland and which in former days had itself fought a great War of Independence should find itself so sympathetic to a small, much older country now in its final agony before deliverance from the oppressors. In 1920 Mr. de Valera returned to Ireland and shortly thereafter the Truce with Britain was declared. It is now part of history how disagreement arose out of the negotiations for a Treaty with Britain, how de Valera felt he could not accept the Treaty finally negotiated and signed without reneging on his Republican principles, how a tragic Civil War was fought in Ireland on the issue and how de Valera lost control of his country for a period.

Eamon de Valera, though he fought when fighting for his country was the only possible course, is essentially a man of peace. He prefers reason, restraint, democratic discussion. One of the great political realists of our time, he decided that though he disliked the settlement with the British that he had ardently opposed, his best course of action was to work to change it by entering the field of constitutional politics to seek a mandate from the people for his program. In 1926 he founded his political party, entered the Dail in opposition in 1927 and in 1932 finally got into office. Since then, with the exception of two periods of 3 years each, he has been the head of Ireland's Government. On entering upon office he immediately began to remove the more objectionable features of the Treaty with Britain and when he refused to pay any further land annuities to the British Government, war again broke out between Ireland and Britain, this time not a shooting war but an economic and tariff war. This period of the 1930's was one of great trial for the Irish people but it was also one which saw the introduction in Ireland of many far-reaching changes by their leader. The Industrial Revolution really was started in this period. Social, industrial, and economic legislation was enacted to ameliorate the conditions of the people and the country. The great Constitution went into force in 1937, a Constitution which enshrines all the safeguards and liberties of democracy and which was the great brain child of Eamon de Valera. Finally, in 1938, the economic conflict with Britain was resolved. De Valera at this stage exhibited another of his many qualities, that of a skillful diplomat and negotiator.

But he has already shown that he was a born diplomat and statesman. In the period before World War II his voice was frequently heard at Geneva in the councils of the League of Nations urging restraint and reason and respect for the rule of law. He became a world figure renowned for his intellectual prowess, his ardent advocacy of justice and right, his attempts to get the nations of the world to resolve their differences by negotiation and to outlaw the use of force. On all sides his counsel was acknowledged as the essence of wisdom. His courage and forthrightness were respected and no matter who the parties involved were or what the issues, always he was guided by right reason in his advice and his decisions. In 1938 just 1 year before war, which this man had done his mightiest to avert, broke out, the representatives of the nations at Geneva elected Eamon de Valera President of the League of Nations Assembly. At last, in a very special and illustrious sense, Ireland had taken her place among the nations of the world, a place made for her in no small measure by the stature of Mr. de Valera, who, as Ireland's great leader, received such high honor in Geneva in 1938. During the war and in the postwar period Eamon de Valera continued to guide the destinies of his country and in this very difficult time Ireland was fortunate in having such a skilled leader at the helm.

The problem whose solution has always been closest to the heart of Eamon de Valera is that of the unjust partition of his country. This dismemberment of an ancient land, foisted on the Irish people against their wishes, is one of the great tragedies of our time and one that calls for an ending if the world's conscience is to be clear again. De Valera has striven over many decades to remove this wrong and that the problem has continued to be intransigent is not his fault. He has gone out of his way to appeal to his brothers in the six partitioned counties in northeastern Ireland to end this sad division and he has been ever ready to give every reasonable guarantee to them of an honorable and dignified position in a fully free and united Ireland. In a famous phrase he has called for a unity of wills with the six counties to solve Ireland's problems and though the response has not equaled the invitation, nevertheless the calm and just approach of Mr. de Valera to the problem that has occupied him most of his life in time will have its effect. And now, gone from the pressures of active political life and elevated by his people to the final throne of honorary distinction, Mr. de Valera in the shade of his days can still from his wisdom make further contributions to the reunification of his country.

This great scholar, soldier, administrator, diplomat and statesman, who for so long shouldered the troubles of his country and devoted himself unselfishly to the problems of our time, who despite the handicap of near blindness continued to serve in the humble belief that his service was of use, today departed the active scene. His life has spanned two ages and much change and the world today and not only Ireland feels deeply a sense of some loss but a gratitude that this man still remains to give of his wisdom when needed. History will confirm that he belongs to the small band of immortals. Only recently we had the honor of a visit from his distinguished predecessor, Mr. O'Kelly; and fitting it would be if at some time in the future Eamon de Valera would again cross the Atlantic to the country of his birth to let us match Ireland's gesture today by giving him final honor.

Tomorrow also marks another event in Ireland, the departure of Mr. O'Kelly from public life into retirement. He has devoted a long life to the service of his country and everywhere he has earned respect and affection. He was a close associate of Mr. de Valera in the movement for the Independence of Ireland and was a member of Mr. de Valera's government from 1932 up to the time he was elected President. His countrymen made him their President 14 years ago, and when his term expired 7 years ago he took that high office again, this time without a contest, such was the esteem and affection in which he was held. It is certain that if the Constitution of Ireland permitted a third term and Mr. O'Kelly was willing to accept he would have continued as President.

Mr. O'Kelly like Mr. de Valera is no stranger in the United States which he has often visited. But his most recent visit, only a few months ago, this time as head of state, is the one that will

stand out as a most memorable event. Everywhere he went, with everyone he met, he engendered nothing but good will and affection. His kindliness, his graciousness, his good humor and wit have drawn even closer the ties between America and Ireland; and his mission of good will, coming as the climax to a distinguished life, will live forever in our memories. We all remember the morning he came to our Congress and addressed a joint session; this was a historic occasion which will take an illustrious place in the annals of our proceedings. But for me in a special way Mr. O'Kelly's visit was particularly memorable in that I had the high honor to be his host when he came to Rhode Island in March last. When he left our country the departure of a kindly friend and great gentleman was keenly felt, and if he could somehow have prolonged his stay among us we would have been the richer and the better for it. All good men everywhere will wish him well in the long years that still lie ahead of him.

Mr. Speaker, under leave to extend my remarks I include editorials from the New York Times, the Washington Star, and the Washington Post commenting on the election of Eamon de Valera as President of Ireland:

[From the New York Times, June 20, 1959]

THE PRESIDENT OF IRELAND

It is strange to feel a sense of regret, as if at the passing of an era, now that Eamon de Valera has become President of the Republic of Ireland. Born in New York and only half an Irishman by blood, he has exemplified for more than 40 years and more than any individual the Ireland of our times.

Yet, by his own constitution of 1938 and his desire at the time, the Presidency was set "above politics." For 21 years he was head of the Government; now he is head of the state. From revolutionary to politician to—what? One hesitates to say figurehead for Eamon de Valera. Who can imagine "Dev" as just a figurehead?

His influence, at least, will surely continue. However, he has been rebuffed by the electorate in his efforts to change the voting system from proportional representation to direct voting for single-member constituencies. It so happens that direct voting would have helped his Fianna Fail party, but one need not doubt the sincerity of Mr. de Valera's convictions that since P.R. brings a multiplicity of parties and the need for coalitions, it is bad. All the same, it cannot be denied that few democracies in the world have had more political stability than Eire in the last 20 years.

As these changes take place a warm tribute is due to the popular figure of President Sean O'Kelly. Only the constitutional prohibition on a third term prevented him from continuing in his post, as everyone would have liked. There, indeed, is Ireland in the flesh and at its best. It is hardly an exaggeration to say that Sean O'Kelly was the perfect President of the Irish Republic.

[From the Washington Star, June 20, 1959]

"DEV" AS PRESIDENT

It is fitting that the people of Ireland have overwhelmingly elected Eamon de Valera to serve as their President for the next 7 years. The office is basically a ceremonial one, but it is laden with numerous honors, and these certainly become him very well in the sunset phase of his remarkable career.

Now in his 77th year, the American-born Mr. de Valera has been Prime Minister of Ireland for the better part of the past quarter century. He could have remained in that office, in which he has served with great distinction, until 1962, but he chose instead to run for the Presidency. Presumably his failing eyesight (he is nearly blind) has been one of the factors accounting for his decision in that respect, and the voters of Eire have responded accordingly: They have given him a handsome majority which serves in its own way as a kind of grateful tribute both to the man himself and to the fine service he has rendered his country.

Mr. de Valera will succeed the retiring President Sean T. O'Kelly, who spread charm everywhere during his recent trip to the United States. We hope that "Dev," as his countrymen affectionately call him, will be able to pay us a similar visit as Eire's chief of state. In any event, he can be sure that the American people, and not only those of Irish descent, wish him well in his new office.

[From the Washington Post, June 21, 1959]

TRANSITION IN IRELAND

That long-embattled schoolmaster and statesman, Mr. Eamon de Valera, has now been elected to the Presidency of the Republic of Ireland, which must in considerable degree be regarded as his personal creation. The new office, of course, is purely symbolic; Mr. de Valera, like his predecessors Douglas Hyde and Sean O'Kelly, will be the titular head of state, but the real power will lie in the hands of whoever is chosen to succeed him as Prime Minister and as head of the now dominant Irish political party which calls itself Fianna Fail, or the Fenians of Destiny. In all probability this will be his chosen heir, Mr. Sean Lemass, who in the most recent Fianna Fail Cabinet served as Minister of Commerce and Industry.

There is no doubt that Mr. de Valera's political adversaries are more gratified than not by his elevation to a post of relatively innocuous dignity. His own decision to exchange power for honor was doubtless determined by age (he is only a few years younger than Chancellor Adenauer of Germany) and infirmity (he is said to be nearly blind). His opponent in the contest for the Presidency was Gen. Sean MacEoin, who, like Mr. de Valera himself, was one of the great heroes of the Irish War of Independence (1916–22). Mr. MacEoin is identified with the party called Fine Gael (or United Ireland) which descends from the faction of Griffith, Collins, Cosgrove, Mulcahy, and O'Higgins, and which, accepting the Anglo-Irish Treaty of 1922, contrived to established the Irish Free State after a fierce and bitter civil war.

On the more important question whether to abandon or continue the present method of proportional election to Parliament, however, Mr. de Valera and his party were defeated. Their proposed adoption of the British and American systems of single-choice ballots might well have given the Fianna Fail a long extended lease of power. Now the chances that its domination may be soon again upset are considerable. It would seem to depend very largely on the popular appeal and leadership capacity exhibited by Mr. de Valera's successor; but there is also much evidence to suggest that—with the gradual passing of the generation so bitterly and irreconcilably divided by rancorous memories of the civil war—there will soon be radical realinements in the party politics of Ireland.

IN SUPPORT OF THE SUPREME COURT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. O'HARA] is recognized for 40 minutes.

Mr. O'HARA of Illinois. Mr. Speaker, in view of the vote of 223 to 191 by which the House earlier this afternoon passed H.R. 3 I am moved to remark that the people do have a voice and that elections do count. Last year the vote on H.R. 3 was 250 to 147. Then came the November elections and the casualties were large among the Republicans from the North who for a political price had been parties to a coalition with Members from the South intent on punishing the Supreme Court of the United States for upholding the Constitution of the United States in the matter of desegregated public schools. It is so significant that no one can fail to read the meaning and in it the forecast of what is to come in November of 1960 that in 1958 H.R. 3 passed with a margin of 103 votes, and that in 1959, after the elections of last November, the margin was shaved to 32.

Mr. Speaker, our Supreme Court has gone through many storms and survived many onslaughts of passion. The present storm it is riding has its source in the hot anger of those who are opposed to the mandate of the Court that the public schools and universities of our country are open to the children of all men. In their anger they would destroy the Court itself, curbing its powers and dismantling it bit by bit until our loftiest temple of the law were an empty framework, rather than accept its desegregation mandate. But the Court, Mr. Speaker, will ride out this storm as it has other storms. The temple of law will continue to stand. The anger will abate, and soon pass, of those afraid to move from the status quo of a social order, a hangover from the days of slavery, to a new order expressive of a real democracy in living function.

Meanwhile it is heartening to note the progress we are making when the issue goes to the people and by their votes the people talk. The difference between the 103 majority of last year to swat the Supreme Court and the 32 majority of this year tells the story.

Mr. Speaker, as this is a day when we have been giving much thought to the Supreme Court of the United States, and a bill aimed at the Court has squeaked through the House whereas a year ago it sailed through, it seems timely to read into my remarks an article by Dr. Joseph F. Menez, a distinguished constituent and the eminent professor of political science at Loyola University in Chicago, in the Northwestern University Law Review, volume 54, No. 1, 1959, as follows:

A BRIEF IN SUPPORT OF THE SUPREME COURT

(By Joseph F. Menez)

As Alexander Hamilton noted in "The Federalist," the Supreme Court is the weakest of the three branches of the Government. It has no power of the purse or sword and can be said to possess "neither force nor will, but merely judgment."[1] Yet its judgment[2]

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[1] "The Federalist," No. 78, at 428 (Everyman ed. 1934) (Hamilton).

[2] The Constitution is "brief and in many important respects is couched in general terms." It was "intentionally drafted in broad terms so that it would cover a myriad of situations, many of them only dimly conceived—many wholly unforeseen. Of necessity these constitutional principles acquire specific meaning and content only as they are

is precisely the factor which is the cause of the emotional, almost savage furor against it.[3] The Court, of course, is not above criticism, "but any institution, and perhaps especially the Court, can fairly ask that strictures upon its acts be addressed to the merits of those acts, and not be masked in either innocent misunderstanding, or conscious misrepresentation, of its function."[4]

Similarly, Attorney General William P. Rogers charged before the American Bar Association Convention recently that "sweeping generalizations and across-the-board public condemnation of the decisions of the courts * * * are not in the best interest of the Nation."[5]

That the Court is weak there is no doubt. The Court is not the sole custodian of judicial power because Congress can establish inferior courts. Nor does it fix its own jurisdiction since Congress controls its appellate power. Congress, further, determines the Court's size, compensation, and its budget. Unlike the Senate and the House, the Court cannot judge its own members and must look to the political branches to enforce its decrees. Aside from the strength of its opinions, it needs friends to defend its views for the Justices cannot speak on their own behalf, hold press conferences and write articles in order to counter vicious, irresponsible criticism.[6]

Although the 85th Congress successfully weathered the storm of the Court "curb" bills, the battle, but not the war, is over. Like a Damoclean sword the threat is still present. This tends seriously to impede, if not damage, the judicial function—the sort of criticism which Holmes described as "an unrest that seems vaguely to wonder whether law and order pay."[7] No wonder, then, that Charles Curtis in "Lions Under the Throne" described the Court as a "tenant in sufferance."[8]

Despite its obvious weakness within the Federal system, the Court is periodically under fire. Unlike the conservatives in 1937 who prevented President Roosevelt's Court-packing plan from succeeding, today's conservatives, occupying various positions of power in our Government, have joined forces to challenge the High Court. Together these groups comprise (1) southerners who reject the desegregation decisions, (2) northern Republicans—followers of the late Senator McCarthy—who witnessed the Supreme Court's overthrow of contempt citations because it was soft on communism, (3) congressional conservatives who feel that the Supreme Court was displacing State and local power in the areas of education and law, and (4) State supreme court justices who charge the Court with disregarding the 10th amendment, of policy making, and of improper judicial restraint.[9] In consequence, says Edmund Cahn, the Court is passing through a "hostile phase when criticism becomes strident enough to seem substantial and extensive enough to suggest alarm."[10]

There is much talk about the three branches of the Government being equal, autonomous, and independent—until the Court brings Congress up to date on the meaning of the Bill of Rights[11] and essentially follows "a middle-of-the-road program toward sanity."[12] Nevertheless, the Court is denounced in terms which make the catalog of charges against George the Third seem pale indeed.[13] If the President violates the Constitution, as the Court said Mr. Truman did in the Steel Seizure[14] case, it is hailed as the bulwark of the constitutional system;[15] but if Congress violates the Constitution which it has over 80 times,[16] the Court is accused of creating "judge made"[17] law and of violating the doctrine of separation of powers. Telford Taylor writes:

"It helps little merely to say however loudly, the Court must act as a court, not as a legislature. The line is not so easy to draw, for the Constitution is not a laundry list, and many of its most important provisions are conceptual rather than specific. The due process clause cannot be interpreted by resort only to dictionary definitions,

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interpreted and applied in concrete cases. This was fully recognized by the framers of the Constitution and is inherent in the nature of our legal system." Address by Attorney General William P. Rogers, National Conference on Citizenship on the Role of the Constitution, September 17, 1958, in 1958 Congressional Quarterly 1246. Unlike the politician, the Court cannot be all things to all people. "The nature of the institution impels judgment and decision, the deliberate choice between competing claims and theories, and what pleases the Civil Liberties Union is apt to wrap a fog of gloomy debate around the next American Legion convention." Dunsford and Childress, "Attacks on the Supreme Court," 1957 Social Order 453. "The decisions in the cases," said Justice Felix Frankfurter, "that really give trouble rest on judgment, and judgment derives from the totality of man's nature and experience." Frankfurter, "The Job of a Supreme Court Justice," N.Y. Times, Nov. 28, 1954, section 6 (magazine), p. 14. "When all the talk is over," said John Frank, "when all the precedents have been analyzed, the Court must supply a meaning of its own. In these circumstances the judges have no choice but to consult their sense of what is right and practical. * * * In these hard cases the judges draw upon their total knowledge of law and of life to make matters come out as fairly, as reasonably, and as justly as they can. There is no mechanical answer, no slot machine in the Court basement to give forth a card saying "affirmed" or "reversed." Frank, "Marble Palace: The Supreme Court in American Life" 157 (1958).

[3] One hundred attorneys in a 600-word statement said, in part:

"No institution of our Government, including the judiciary, stands beyond the reach of criticism. But these attacks have been so reckless in their abuse, so heedless of the value of judicial review, and so dangerous in fomenting disrespect for our highest laws that they deserve to be repudiated by the legal profession and by every thoughtful citizen."

Chicago Sun-Times, Oct. 28, 1956, section 1, 7, column 1. While similarly agreeing the Court is not above criticism, former Attorney General Herbert Brownell, Jr., wrote: "But the criticism should be fair, responsible, and informed if it is to be respected." Brownell, "The United States Supreme Court: Symbol of Orderly, Stable, and Just Government," 43 A.B.A.J. 579 (1957), Dean William C. Warren, of Columbia University Law School, said irresponsible criticism gave cause for "serious concern," encouraged "resort to violence," and called on the bar to "promote enlightenment and displace emotion with reason." N.Y. Times, Nov. 9, 1958, section 1, p. 44, column 4.

[4] McGowen, "The Problem in Historical Perspective," 33 Notre Dame Law 529 (1958).

[5] 1958 Congressional Quarterly. 1186.

[6] Rhyne, "Defending Our Courts: The Duty of the Legal Profession," 44 A.B.A.J. 121 (1958).

[7] McGowen, supra note 4.

[8] Curtis, "Lions Under the Throne," 36 (1947).

[9] Hyman, "High Court Fight Tests Our Checks and Balances," Chicago Sun-Times, Sept. 7, 1958, sec. 2, p. 1.

[10] Cahn, "Brief for the Supreme Court", New York Times, Oct. 7, 1956, sec. 6 (magazine), p. 9. The narrow voting over the Court-curbing plans in the 85th Congress indicates the Court and its defenders are still on the defensive. Further, the powerful blast of the Conference of State Chief Justices (meeting in Pasadena, Calif., August 1958) gives the critics additional strength. See 45 U.S. News & World Report 92 (1958).

[11] It is noticeable that the tirade against the Court stems from the fact that it is largely concerned with civil liberties, New York Times, Aug. 24, 1958, sec. 1, p. 1, col. 5. It must be remembered that it has been only since 1917 that the Court—aside from questions involving slavery—was much concerned with civil liberties. Latham, "The Supreme Court and Civil Liberty," American Government Annual, 1958–59, 5 (1958). Despite Charles Warren's excellent volumes on the Supreme Court, the reader would scarcely know there were any great problems of human liberty in America other than slavery before the Civil War. This was not the fault of Warren but it was due to the fact that there was no judicial business in this area.

[12] Frank, op. cit., supra, note 2, at 192.

[13] See generally 104 CONGRESSIONAL RECORD 4958 (1958) (remarks of Mr. Willis). Note the plethora of editorials inserted in the CONGRESSIONAL RECORD of which those from the Indianapolis Star are an example, CONGRESSIONAL RECORD, p. A190 (daily ed., 1958). See also the insolent letter addressed to the Supreme Court under "Dear Lifers." CONGRESSIONAL RECORD, p. A251 (daily ed., 1959). For a quick summary of the attack on the Court see Mason "The Supreme Court from Taft to Warren" 3 (1958).

[14] *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952).

[15] In *Wilson* v. *Girard*, 354 U.S. 524 (1957), the Court said in part that wavering jurisdiction was for the political branches. It is "ironic that the Court is criticized for not interfering with the actions of Congress and the Executive, whereas the usual complaint is that the Court is guilty of usurpation of powers of the coordinate branches." Dunsford and Childress, "Attacks on the Supreme Court," 1957 Social Order 456.

[16] See the list of acts of Congress held unconstitutional in whole or in part by the Court in "The Constitution of the United States of America; Analysis and Interpretation," 82d Cong., 2d sess. 1241 (1953). The most recent count is set at 81 times. *Trop* v. *Dulles*, 356 U.S. 103 (1957).

[17] The phrase "judge-made" law is probably the most overworked among the critics of the Court. Assailing the "judicial lawmaking" of the Court, Senator Bricker added: "It is trying to create itself a third legislative chamber not elected by the people." Chicago Daily News, Sept. 17, 1958, sec. 1, p. 32, col. 1. On March 12, 1958, Senator O'MAHONEY (Democrat of Wyoming) of the Judiciary Committee was reported as saying that the Constitution as it now stands is an effective bar to "judge-made law if its terms are called to the attention of all future judicial nominees." The Senator is apparently calling this to the attention of nominees for the Federal bench, for it has been reported that they are taking an additional oath not to knowingly alter the Constitution or laws of Congress passed in pursuance of the Constitution. Letter from Henry Waldman to the New York Times, April 6, 1958. "Laymen, lawyers, and judges have always said," writes Judge Leflar, "and still say that courts have no business 'making law,' that the law is already there, that the judge's task is merely to find it, state it, apply it to the facts. On this theory decisions breaking new ground are apt to be condemned because their counterparts cannot be found in the old books. Often this overlooks the equally apparent fact that the opposite is also true—there is simply no decision at all on the matter in the old books. The court had to break new ground or else fail to decide the case that was before it." Leflar, "The Role of the Supreme Court in the American Constitutional System," 33 Notre Dame Law 548 (1958).

grammatical parsing, or technical legal rules of construction.

"History, philosophy, and political ideology envelop such phrases, and it is absurd to suggest that the Court can or should exclude these disciplines from its deliberations and announcements. Indeed, should it try, the Court would not long endure, for there is at least a germ of truth in the irreverent gibe that the Supreme Court 'follows the election returns.' " [18]

When the High Court, thus, sets limits on the legislative power, as it recently did in the Watkins case,[19] a decision, moreover, that when looked at calmly, hardly seems extreme at all,[20] it is energetically reminded that Congress is a coordinate body; [21] when it sets limits on the executive power of removal, as in the Humphrey [22] case, judicial review takes on a new luster. The Court, in truth, does not serve as a barrier to the democratic will, "but as a gyroscope that helps to keep the democratic machine in balance and to prevent it from running off wildly in one direction or another." [23]

It is easy to prejudice the Court's independence by simply charging it with "playing politics." [24] Although it does not play politics in the sordid sense, by its very nature it is very much in politics for, under the Constitution, it is largely a tribunal to see that the distribution of political power is channeled properly.[25] This is quite clear as Alexis de Tocqueville's "Democracy in America" reveals.[26] We submit political questions to the Court and expect judicial determinations. The late Justice Jackson saw this clearly for in the Harvard lectures he wrote:

"Few acquisitions against the Supreme Court are made with more heat and less candor than that it makes political decisions. Of course the line between political science and legal science is not fixed and varies with one's definition of his terms. Any decision that declares the law under which a people must live or which affects the power of their institutions is in a very real sense political." [27]

It was for this reason, too, that James M. Beck called the Court a continuous constitutional convention whose duties became political when interpreting the Constitution.[28]

Witness the questions asked Court nominees at Judiciary Committee hearings. The interrogation is often more concerned with political problems than legal ones.[29] Despite this practice of judges being at times badgered by the Judiciary Committee,[30] it is hoped that when Judge Potter Stewart's nomination comes before the Senate his confirmation will not suffer because of prior political or judicial activity.[31] One reason judges are asked political questions at their confirmation is that they are often selected for political reasons. Thus President Theodore Roosevelt writing to Henry Cabot Lodge concerning the appointment of Holmes said: "I should hold myself guilty of an irreparable wrong to the Nation if I should put * * * [in this vacancy] any man who was not absolutely sane and sound on the great national policies for which we stand in public life." [32]

There have been only two departures from the practice of a President choosing a Chief Justice inside the President's party. William H. Taft nominated Edward D. White of Louisiana and Franklin Roosevelt nominated Harlan F. Stone of New York. It might be noted, though, that both Chief Justices were elevated from within the Court largely because they were close to the President politically.[33] The Presidents have always known that the Supreme Court is a great center of power. Nevertheless, the Court "is no puppetmaster pulling the strings of American life," [34] and ultimately and by itself is about powerless to effect the course of national policy.[35]

Unlike the President's office where Mr. Truman observed "the buck stops here," [36] there is not a little "buckpassing" on the part of Congress when it passes legislation of questionable constitutionality and expects the High Court to construe it favorably. Often under pressure from some strong minority, Congress passes such "hot" legislation hoping that the Court will negate it and "bail it out." Similarly, Congress has on occasion passed legislation knowing full well that a threatened Presidential veto cannot be surmounted.[37] The difference between these

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[18] Taylor, "Is the Supreme Court Supreme?" New York Times, Oct. 5, 1958, sec. (magazine), p. 10.

[19] *Watkins* v. *United States*, 354 U.S. 178 (1957).

[20] Fordham, "Supreme Court, a Political Instrument," 24 Vital Speeches of the Day 652 (1958).

[21] Justice Clark in his minority opinion seems to believe that congressional committees are laws unto themselves and that a witness cannot appeal from them no matter what the abuse. "Perhaps the rules of conduct placed upon the committee by the House admit of individual abuse and unfairness. But that is none of our affair." *Watkins* v. *United States*, 354 U.S. 178, 217 (1957) (dissenting opinion). But see a trenchant criticism by Walter Lippmann in which he labels this position "a masterpiece of confusion." Chicago Sun-Times, June 28, 1957, p. 28, col. 1.

[22] *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935).

[23] Frank, op. cit., supra, note 2, at 157.

[24] United States News & World Report, July 12, 1957.

[25] Hand, "The Supreme Court," University of Chicago Round Table, Oct. 4, 1953, p. 14.

[26] De Tocqueville, "I—Democracy in America," 106 (Bradley ed. 1954). Carl McGowen writes that "if we accept and require the peaceful resolution of controversies as they arise by the exercise of an independent judicial power then we must be prepared to pay the price that some of those controversies will have political consequences, thereby laying the tribunal itself open to a charge by the unsuccessful litigant that it has wrongfully assumed political power or, at the least, has improperly reflected political considerations in the result reached. We cannot have it both ways. If we want a judicial power to decide cases, we must recognize that this in itself is a basic political decision; and that, accordingly, the exercise of judicial power is political in this fundamental sense. And if we want all our cases to be amenable to the judicial power, and not merely those that are politically colorless, we must be prepared to weigh the disappointment some of us may feel with particular decisions in the light of the considerations which led us as a people to evolve the judicial power as a factor in our plan of government." McGowen, supra, note 4, at 540.

[27] Latham, supra, note 11, at 25.

[28] Johnsen. "Reorganization of the Supreme Court" 48 (1937).

[29] The report on the Warren confirmation before Senator LANGER of the Judiciary Committee may be found in 1954 Congressional Quarterly 397. See also White "Citadel, The Story of the U.S. Senate" 194 (1957). Senator Tom Connally, of Texas wanted to know why discussion of a nominee's fitness should be limited to legal qualifications. After calling attention to the fact that it is the great economic questions which confront the Court and is "the form of contest that is going to face us," he added, "can it be true that in passing upon the competency of a man to sit upon this or any other court the mind of the Senate is to be closed to all questions except that of the character of the appointee and whether or not he is versed in the law?" Mason, op. cit., supra, note 13, at 33.

[30] Frank, op. cit., supra, note 2, at 51.

[31] Chicago Daily News, Oct. 8, 1958, sec. 1, p. 14, col. 5. "Every member of the Supreme Court," says Prof. John R. Schmidhauser, "except George Shiras held a political post of some kind prior to his appointment to the High Bench." He also points out that one-fifth of Presidential nominations for the Supreme Court have been dealt with negatively by the Senate by outright rejection, failure to act, or postponement. Judge Parker, though, was the first judge since Cleveland to be rejected outright. Schmidhauser, "The Justices of the Supreme Court: A Collective Portrait," 111 Midwest J. of Political Science 39–40 (1959).

[32] Carr, "The Supreme Court and Judicial Review" 239 (1942); Peltason, "Federal Courts in the Political Process" 57–58 (1955). Even more pronounced was Theodore Roosevelt's letter to Senator Henry Cabot Lodge regarding the appointment of Democrat Horace Lurton to the Court. Whatever his nominal politics, said Roosevelt, "[his] real politics are all-important. * * * He is right on the Negro question; he is right on the power of the Federal Government; he is right on the Insular business; he is right about corporations, he is right about labor. On every question that would come before the Bench, he has so far shown himself to be in much closer touch with the policies in which you and I believe than even White because he has been right about corporations where White has been wrong." Despite being ideologically sound, Horace Lurton had to wait until Taft nominated him. Senator Lodge suggested an explanation. Although agreeing to what the President wrote, he added: "but I do not see why Republicans cannot be found who hold those opinions as well as Democrats." Schmidhauser, supra, note 31, at 38–39.

[33] Charles A. Beard has referred to Justice White, in this connection, as a "good, sound conservative like Taft." Beard, "The Republic" 230 (1943). Also see Frank, op. cit., supra, note 2, at 271–72.

[34] Id. at 41.

[35] See N.Y. Times, Oct. 5, 1958, sec. 1, p. 54.

[36] Rossiter, "The American Presidency" 27 (1956).

[37] Just as the founders deliberately left questions to the future decision of Congress or the Court, whichever had the hardihood to answer them, so Congress delegates quite as much power to the Court by the somewhat inscrutable process of expecting it to divine their undeclared intentions." Curtis, op. cit. supra note 8, at 235. Similarly, says Frank: "The repeated episodes of buckpassing exemplify Congress' refusal to trouble itself about legal issues in a comfortable, if mistaken, assurance that the judiciary will correct the worst errors." Frank, "Judicial Review and Basic Liberties," in Supreme Court and Supreme Law 129 (Cann ed. 1954). See Currie, The Supreme Court, University of Chicago Roundtable, Oct. 4, 1955, p. 4.

"Sometimes questions are left deliberately ambiguous," says Dean Erwin N. Griswold of the Harvard Law School, "so that the Court is left to make the choice. Legislation is often a matter of compromise, and sometimes a compromise can be arrived at only if issues are not too sharply drawn," CONGRESSIONAL RECORD, p. A150 (daily ed. Jan. 14, 1959). This also was the issue raised, in part, by Chief Justice Weintraub of the New Jersey Supreme Court speaking before the Chief Justices assembled in California. "With respect to the interpretation of acts of Congress," he said, "the Supreme Court is contending with a well known phenomenon, legislative ambiguity. I think it is enough to say that if the Court has incorrectly divined the legislative intent, correction is

two stratagems is that in its relations with the Presidency this congressional technique has hardened into a political maneuver which everybody understands and no one gets excited about; whereas in its relations with the Court it is made to appear that the judges are making law and exceeding legislative intent.[38] At the same time that Congress virtually compels the Court to correct its errors, it censures it for doing so.

The Supreme Court does not consist of disembodied intellects, but rather of judges who decide cases on legal philosophies acquired over a period of many years. "Most judges," said Eugene V. Rostow, "are men who have had a lifetime of experience, or of study, in the world of the constitutional process. They come to their posts from the Senate or the courts, from the bar, or politics, or the law schools, with a considerable exposure to the role of the Constitution as a guiding force in American public life. Inevitably they bring different views to the Court—not differing personal and idiosyncratic views of what the Constitution might have been, but differing views, as constitutional lawyers, as to what the Constitution is, and what it ought to become, in terms of its own animating premises." [39]

Accounting for even the known influences there still exists what Holmes called the inarticulate major premise.[40] Moreover, the Constitution, in its fundamental areas, remains an ambitious document which these same men are forced to interpret. Rather than being viewed in terms of "its institutional role and its operative processes as distinguished from preoccupation with particular decisions," [41] prevailing criticism is so extreme that it goes beyond the Court's opinions and attacks the Court itself as a fulcrum in our governmental system.[42] Even Calvin Coolidge, who left no legacy as a constitutional exegete, could understand that it was not necessary to prove the Supreme Court never made a mistake; but it was necessary to prove that if the Court was shorn of its powers that those who exercise them would make fewer mistakes.[43]

The people have come to feel, said Justice Jackson, "that the Supreme Court, whatever its defects, is still the most detached, dispassionate, and trustworthy custodian that our system affords for the translation of abstract into concrete constitutional commands." [44]

The Court has not lacked critics [45]—from Presidents like Jefferson to commentators like Rodell—but it was Chief Justice Hughes who said that "great critics are even more apt to display their infirmities than great judges acting under a keener sense of responsibility." [46] Stemming initially from the desegregation decision [47] right up to the historic decisions of the 1957–58 term involving personal liberty, there is considerable talk about "curbing" and "reforming" the Supreme Court. Thus, by May 1956, some seventy bills which would affect the work of the Court were introduced in Congress. [48]

Among the journalists, influential David Lawrence is especially vitriolic and so suspicious of the Court that he wants it elected on the theory that they are making policy and hence should be subject to the voters. His "Nine Honest Men" of two decades ago have become nine politicians. Judges, he feels, are accountable to nobody—"an autocracy * * * never envisaged by the Founding Fathers." [49]

James Bryce [50] saw the futility of popular elections. He perceived that the election of judges was an unwise extension of democracy for judges represent the law, not constituents. They are not delegates who are politically responsible. The Founding Fathers deliberately put the judiciary beyond the reach of the ballot box as well as the Gallup poll.[51] Democracy, as Dean Rostow so neatly put it, is more than a commitment to popular sovereignty; it is equally a commitment to popular sovereignty under law.[52] This is not to say that the Court could for long operate against public confidence. Yet it need not buckle under to popular shifts of opinion. A good politician need not necessarily be a bad judge. In fact, he might be a good judge. But the curse of the elective system is that it tends to turn almost every judge into a politician.[53]

An insecure judge would be tempted to shape his decisions with the press in mind. Aside from whether the electorate is competent—assuming it wanted to elect the Court—it is doubtful if men of caliber would campaign for the seat. To suggest that the National judiciary ought to be selected because the State judiciary is elected in three quarters of the States is to turn the clock back on any progress made in our legal institutions. "Judges elected by the people," said the late distinguished Chief Justice of

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within the easy reach of the authors of the ambiguity" CONGRESSIONAL RECORD, p. A687 (daily ed. Feb. 2, 1959).

[38] Curtis, op. cit., supra, note 8, at 242.

[39] Rostow, "The Supreme Court and the People's Will," 33 Notre Dame Law, 573, 580 (1958).

[40] Bent, "Justice Oliver Wendell Holmes" 150 (1932).

[41] Fordham, supra, note 20, at 651.

[42] Here is a sampling from several sources of irresponsible criticism: "If the day comes when we all join hands and rattle our chains in a slave mart, or rather our bones in a Red grave dug with our own hands, we may find ourselves repeating in unpleasant tones the names of some of the present members of the Court." Chicago New World, June 21, 1957; "Communist influence," said Senator EASTLAND, "is working within the Supreme Court." The Senator also found the Court "insolent," "willful," "irresponsible," and "pro-Communist." The Reporter, July 12, 1957: "The boys in the Kremlin may wonder why they need a fifth column in the United States so long as the Supreme Court is determined to be helpful." Chicago Tribune, June 19, 1957, § 1, p. 18, col. 1. See the "Supreme Court's Record on Reds," introduced to Congress with these remarks: "The subverters have had the benefit of a peculiar ally—the Supreme Court of the United States." CONGRESSIONAL RECORD, p. A11 (daily ed. Jan. 9, 1959) (remarks of Representative HARRISON). Prefacing a report highly critical of the Court (some 24 Supreme Court decisions had "weakened internal security and encouraged Communist activities") with the statement that it was not meant to attack the motives of the Court, the governors of the American Bar Association accepted the report which said in part: "Our internal security has been weakened by technicalities raised in judicial decisions which too frequently in the public mind have had the effect of putting on trial the machinery of the judicial process and freeing the subversives to go forth and further undermine our Nation." For the text, see CONGRESSIONAL RECORD, p. A1470 (daily ed., Feb. 25, 1959). The chairman of the Committee on the Judiciary labeled the report as one "obsessed with security and oblivious of individual liberty" of "dogmatic assertion" and "most irresponsible." CONGRESSIONAL RECORD, p. 2861 (Feb. 24, 1959) (remarks of Representative CELLER.)

[43] Warren, "Congress, The Constitution, and the Supreme Court" 174 (1st ed. 1925).

[44] Taylor, supra note 18.

[45] The early critics of the Court can be conveniently found in Brownell, supra, note 3, and McGowan, supra, note 4, at 529–37. For the Progressive attack on the Court, see Kelly and Harbison, "The American Constitution," 622–26 (1948).

[46] Hughes, "The Supreme Court of the United States" 46 (1st ed. 1928).

[47] *Brown* v. *Board of Educ.*, 347 U.S. 483 (1954). Following the censure of the Supreme Court by the state supreme court justices at the Conference of Chief Justices in Pasadena, Calif., on Aug. 23, 1958 (the vote was 36 to 8 to approve a 10-man committee report), the text can be found in the U.S. News & World Report, Oct. 3, 1958, p. 9, and CONGRESSIONAL RECORD, p. A44 (daily ed., Jan. 12, 1959), a number of dissenting judges claimed that the report without mentioning it was really disturbed over the segregation issue. See New York Times, Aug. 24, 1958, sec. 1, p. 1, col. 5. Agreeing that segregation was not mentioned in the report, nevertheless Chief Justice Charles Alvin Jones of Pennsylvania wrote:

"The fact remains that no matter how meticulously reference to the school segregation case is avoided, it must be recognized that the principal cause of the present-day criticism of the Supreme Court is that decision. And, thus the committee report, quite unintentionally but nonetheless actually, exploits a hostility to the Supreme Court bred of a decision (involved in current litigation) which the report does not, and could not properly discuss." CONGRESSIONAL RECORD, p. A378 (daily ed., Jan. 21, 1959). In a letter to Attorney General William P. Rogers, Chief Justice Frederick W. Brune, of the Maryland Supreme Court and chairman of the committee which prepared the resolution, denied this allegation. See CONGRESSIONAL RECORD, p. A5 (daily ed., Jan. 9, 1959). As regards the "censure" itself, what the eight judges essentially said of the resolution was this:

"It would be well if the State chief justices practiced the judicial restraint they were preaching to the U.S. Supreme Court. Moreover, if the quality of justice was to be improved, the last way to improve was by a vote of the judges' association critical of the decisions of other justices. The best way to improve it was still the customary way. It was to have a judge, legally responsible for a decision, make the decision. Then afterward, the matter could be reviewed by a higher court with responsibilities of its own." Hyman, supra, note 9.

[48] Latham, supra, note 11, at 24.

[49] Lawrence, "Does Court Action Imperil U.S.," Chicago Daily News, June 20, 1957, sec. 1, p. 10, col. 6. His "Nine Honest Men" have now become the arch villains or the policymakers of Fred Rodell's "Nine Men" (1955) the "Nine Old Men" (1936) of Drew Pearson and Robert Allen became, in turn "The Nine Young Men" (1947) of Wesley McCune. In the spirit of David Lawrence's thinking, Senator JOHNSTON of South Carolina introduced a resolution which provides for reappointment or reconfirmation each 6 years of justices of the courts of the United States who are now appointed for life terms. S.J. Res. 7, 86th Cong., 1st sess., (1959). Since much of the criticism of the American Bar Association was over specific cases in the field of subversion and communism and, in their opinion might have been decided otherwise, the remark of Justice Sutherland might be appropriate: "If the provisions of the Constitution," he said, "be not upheld when they pinch as well as when they comfort, they may as well be abandoned." *Home Bldg. & Loan Association* v. *Blaisdell*, 290 U.S. 398, 483 (1934).

[50] 1 Bryce, "The American Commonwealth" 512 (1911).

[51] Pritchett, "The Judiciary," in "Introduction to Political Science" 333 (Roucek ed. 1950).

[52] Rostow, supra, note 39, at 579.

[53] Vanderbilt, "The Challenge of Law Reform" 28 (1955).

the New Jersey Supreme Court, Arthur T. Vanderbilt, "are not only unknown in any other English-speaking common-law country but everywhere else except Soviet Russia and its satellites, a dubious distinction of which we cannot be proud." [54] Further, campaigning would be manifestly unfair to the judge already on the bench since he would have to temper his political position with his judicial responsibilities. By contrast, the man not on the bench would be free to conduct a campaign of words. Those who suggest this remedy are curiously silent on the details precisely because they are insurmountable.[55] It is also strange to see a conservative Republican like Lawrence embracing a discredited Jacksonian philosophy of rotation in office.[56] What would have been the effect, Professor Elliott wonders, on some of the great decisions of the Court had it been elected for limited terms? [57]

Critics of the Court have always protested decisions of a 5 to 4 nature. They are now joined by the chief justices of 36 States who deplore their frequency. It is their contention that the Court does not have a true majority for any one opinion but often the opinion comes "from the divergent views of individual justices who happen to unite on one outcome or the other of the case before the Court." [58] It might be suggested as an explanation that except for the 1957–58 term, 5 to 4 decisions within the last several years have not been unduly frequent.[59] The chief justices might have mentioned that there were more unanimous decisions during the same term and, in fact, under Warren a good 25 percent or more of the opinions have been unanimous.[60] Finally, until the last several decades the Court did not have many cases involving civil liberty—precisely the area in which the 5 to 4 cases have been handed down.[61] The real trouble, as Charles Warren noted, depends on "whose toes are trodden upon—and not upon the number of judges who do the trodding." When all is said and done, he continued, "the fact is that this complaint about 5 to 4 decisions holding Federal statutes invalid is largely insincere, or rather a mere camouflage of the real complaint. The real grievance felt by the Court's critics is not the number of justices who joined in setting aside the Federal statute, it is rather the fact that the statute was set aside at all." [62]

To erase such 5 to 4 decisions some critics of the Court have recommended that seven out of nine judges should determine the constitutionality of State and Federal legislation. Such a plan was introduced in Congress as early as 1823 and is revived periodically.[63] This plan, providing an extraordinary majority for the Court to decide State and Federal statutes, introduces minority decision making.[64] What happens if one or two of the justices are absent? The litigant then has to convince all but one or all the judges rather than seven out of nine. It would be less than fair, too, since Congress would need to convince only three justices of the Court that its law was valid while seven would be necessary to invalidate the same act.[65] Supposing an inferior court holds the statute unconstitutional and the six members of the Court reviewing the case concur. But since three justices view it as constitutional the lower court would be reversed. Assume, in addition, that a State supreme court held a Federal statute unconstitutional and six justices agreed while three disagreed. "Is it possible," says Charles Warren, "that such a condition is legal or that Congress has the power to require the reversal of the judgment of a State's highest court by the action of a minority of the U.S. Supreme Court?" [66] Thus, the constitutionality or unconstitutionality would be based on a minority of three. It is difficult to understand how such a scheme as this would make the Court more responsible. Further, a two-thirds requirement would not end the argument over judicial review—as the 7 to 2 decision in the Dred Scott case and the recent civil liberty cases show; [67] and, its proponents to the contrary, "it is probable that a constitutional amendment would be necessary before the Courts would agree to follow any such rule." [68]

A companion piece of constitutional hocus pocus is the proposal that Congress can repass legislation over an adverse decision of the Court much in the same manner that it can now do over a Presidential veto. Senator Wheeler once advocated a similar rule.[69]

His plan would have provided for an election between the adverse ruling and the repassage of the law by Congress. This would introduce a popular mandate scheme resembling the system of parliamentary dissolution practiced in England. The system of checks and balances consequently would exist only as long as Congress did not alter it. It would make Congress virtually sovereign and legally omnipotent. Congress, in a word, could overrule the Court whenever it would say twice what it ought not to have said even once. "A bad statute shall become good by repetition." [70] Under this scheme of things the majesty and conclusiveness of Opinion Monday would be meaningless. If the political branches have the right alone to decide on their powers, does any constitution remain? [71] Chief Justice John Marshall understood this when he wrote:

"The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? [72]

Morris Ernst in "The Ultimate Power" favored this plan [73] which Walter Lippmann characterized as indefensible. Ernst argued that such a congressional veto was merely allowing power to flow from the people to their representatives. Lippmann was skeptical, as he might well be, of the proposition that a supreme legislature is supremely responsive. Such a supremacy, he felt, was a great peril to democracy for the Founding Fathers knew what assemblies, captured by demagogs, had done to the ancient world.[74] Echoing the remarks of Alexander Hamilton in The Federalist that legislators, as representatives of the people, "seem sometimes to fancy that they are the people themselves. and betray strong symptoms of impatience and disgust at the least sign of opposition from any other quarter," Justice Douglas observed that the judiciary is not perverse and Congress is not omniscient.[75] Two recent philosophers of the state, Jaques Maritain in "Man and the State" and Yves Simon in "The Philosophy of Democratic Government" are similarly for watching the legislature for power tends to increase power and the power machine tends ceaselessly to extend itself.[76] Among the Founding Fathers. Elbridge Gerry saw the weakness of this

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[54] Id., at 17.

[55] The vastness of the country, the enormous population, the inescapable difficulties in the choice of President, the opportunties for political intrigue that would exist in the nomination of judges by national party conventions, are cogent reasons for the continuance of the present method which has even more to be said for it now than it had in 1787. Hughes, op. cit., supra, note 46, at 17.

[56] For a critique of the election as against the appointing system of judges and of the Jacksonian legacy of rotation in office, see Vanderbilt, op. cit., supra, note 53. See also the excellent discussion in Hurst, "The Growth of American Law" 122–146 (1950), Elliott, "Court-Curbing Proposals in Congress," 33 Notre Dame Law 597, 611 (1958): "Surely the history of Jacksonian democracy and its impact on the state judicial systems has taught us that judicial independence and ability are apt thereby to be sacrificed on the altar of popular whim and political control."

[57] Id., at 603.

[58] Text found in U.S. News & World Report, Oct. 3, 1958, p. 102.

[59] Bartholomew, "The Supreme Court of the United States 1952–53," 29 Social Science 3 (1954).

[60] Fellman, "Constitutional Law in 1952–53," 48 Am. Pol. Sci. Rev. 64 (1954).

[61] Latham, supra, note 11, at 5.

[62] Warren, "Congress, the Constitution, and the Supreme Court" 215 (1925).

[63] Carr, op. cit., supra, note 32, at 266. Before ascending the Court, Judge Minton (then Senator Minton from Indiana) favored this plan. 1949 Congressional Quarterly 694. Said Senator Robert La Follette: "No inferior Federal judge could set aside a law of Congress on the grounds that it was unconstitutional, and if the Supreme Court should do so, Congress could, by repassing it, nullify the action of the Court." Quoted in Brownell, supra, note 3, at 598. See also Ernst, "The Ultimate Power" 315 (1937): "It is high time [to] amend our Constitution so that Congress has the power to override any decision of the Supreme Court. This is the English system. But today our Supreme Court is both a Parliament and a House of Lords."

[64] Warren, op. cit., supra, note 62, at 182. Barnes and Littlefield, "The Supreme Court Issue and the Constitution" (1937), lists some 75 cases declared unconstitutional by the Court with the vote in each. Warren, op. cit., supra, note 62, at 273–301, gives a chronological listing, as does Library of Congress, "The Constitution of the United States of America" 1241–1254 (1952).

[65] Hughes, op. cit., supra, note 46, at 239.

[66] Warren, op. cit., supra, note 62, at 191.

[67] See Barnes and Littlefield, op. cit., supra, note 64, for those cases up to 1937 which were decided unconstitutional by an extraordinary majority. *Mallory* v. *United States*, 354 U.S. 449 (1957); *Service* v. *Dulles*, 354 U.S. 363 (1957); *Yates* v. *United States*, 354 U.S. 298 (1957); *Sweezy* v. *New Hampshire*, 354 U.S. 234 (1957); *Watkins* v. *United States*, 354 U.S. 178 (1957); *Jencks* v. *United States*, 353 U.S. 657 (1957); and *Schware* v. *Board of Bar Examiners*, 353 U.S. 232 (1957), were decided under an extraordinary majority but yet engendered considerable criticism.

[68] Carr, op. cit., supra, note 32, at 256.

[69] The objections to this plan can be summarized as: (1) it might take years before the Court declares a law bad and several more before Congress could repass it; (2) if the law involved any great social and economic question it would be very difficult to get a two-thirds vote, but reduce the proposal to a simple majority and it would lose popular support; (3) it might require a constitutional amendment. Carr, op. cit., supra, note 32, at 268.

[70] Warren, op. cit., supra, note 62, at 139.

[71] Speaking of the first amendment, Prof. Charles Black, Jr., of the Yale Law School, writes: "A limitation on Congress which does not really limit Congress is a mere sham." Letter to New York Times, Mar. 23, 1958.

[72] *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137 (1803).

[73] Ernst, op. cit., supra, note 63, at 315.

[74] Walter Lippmann, quoted in Barnes and Littlefield, op. cit., supra, note 64, at 10.

[75] "The Federalist" No. 71 (Hamilton); New York Times, Nov. 9, 1958, p. 1, col. 3 (city ed.).

[76] Maritain, "Man and the State" 14 (1951); Simon, "Philosophy of Democratic Government" 132 (1951).

legislative scheme to recall Court decisions, for if the power of making declaratory acts were vested in Congress with the judge bound by these decisions, the fifth article would be alterable at will. What then would be the necessity of the fifth article for the purpose of obtaining amendments? [77]

Although the Constitutional Convention rejected the proposition that Federal judges could be removed by the President on an application of Congress,[78] yet it is currently revived as a means of democratizing—if not disciplining—the bench. An uneasy supporter of this plan, Henry Hazlitt, suggests that not more than one judge could be removed in any 1 year. This would be accomplished by a simple majority or a two-thirds majority with the concurrence of the President. Its employment, he believed, would be exercised rarely and only upon extremely capricious and incompetent judges.[79] David Lawrence who currently views the Court as bête noire thinks that the justices hold office for "good behavior" and not for "life." It is up to Congress to determine "good behavior" for senatorial consent is not irretrievable action.[80]

This suggestion, in effect, would transfer an independeent judiciary into a captive one. It smacks of "court-packing" in reverse. Even Franklin Roosevelt, as the late Justice Jackson remarked, wanted to change the Court's composition—not its constitutional prerogatives.[81] Further, it seems late to hold that the judges have tenure subject to congressional consent. Even if tenure is not spelled out in the Constitution, it is as much a part of it as the committee system in Congress, senatorial courtesy, popular election of the President, political parties and judicial review.[82] Tenure, said Alexander Hamilton in "The Federalist," is "the best expedient which can be devised in any government to secure a steady, upright and impartial administration of the laws." [83] The immunity we have given the Court—an immunity we have withdrawn from the political branches of the Government in our own interest—is that amount we have determined as necessary for them to carry on their appointed tasks properly, fearlessly and with integrity, of expounding the Constitution to the various crises of human affairs.[84]

Such an argument as this attack on judicial tenure is not simply a thrust at particular decisions—a criticism the Court could understand and even be persuaded to reverse—but it is a challenge to the very system itself. Its result would be to deprive the Court of the high standing it enjoys with the public.[85] Free from the pressure of a local constituency, that great corrupter of conscience or legislative control, the judge need only look to his conscience. John Frank's tale is worth citing. "One of the most penetrating comments I ever heard a Supreme Court justice make," he said, "was a remark to a colleague whose life was being consumed in a series of minor pressures from persons who had helped to elevate him to his ultimate station. When the victim of these pressures pointed out the obligations, the justice to whom he was speaking said: 'Yes, but you are here now.' " [86]

Impeachment is the only method mentioned in the Constitution for the removal of judges. Judges can be removed for "treason, bribery, or other high crimes and misdemeanors." [87] Recently the Georgia and Florida Legislatures voted resolutions calling for the impeachment of certain justices on the bench for "high crimes and misdemeanors." [88] Neither the Constitution nor the Supreme Court has ever defined these words,[89] but to these legislators they mean usurping power which properly belongs to the States. Such ill-founded accusations are lacking not only constitutional support but indicate these legislators are lacking commonsense. To talk further about "resisting the Court by lawful means" is contradictory.[90] In the Declaration of Constitutional Principles (signed by the Southern Delegation in Congress—77 Representatives and 19 Senators) the signers reaffirm their "reliance on the Constitution, as the fundamental law of the land," a statement, says Alexander Bickel, which in "context is pregnant with the suggestion, tenable only academically or by force but not in law, that there exists a Constitution distinct from the one the Supreme Court expounds." [91] Maybe it is too much for the Southern critics of the Court to understand Lincoln when he wrote:

"We believe as much as Judge Douglas (perhaps more) in obedience to, and respect for, the judicial department of Government. We think its decisions on constitutional questions, when fully settled, should control not only general policy of the country, subject to being disturbed only by amendment of the Constitution as provided in that instrument itself. More than this would be revolution." [92]

It is true that several Justices have been removed by Congress but this was (1) done under the impeachment power, a power which Congress has shied from using since its unsuccessful attempt to impeach Associate Justice Samuel Chase in 1805,[93] (2) mostly in removing lower court judges,[94] and (3) never because there was a quarrel between the Court and Congress over judicial review.[95]

It has often been suggested that the Supreme Court issue advisory opinions with a view to settling the constitutionality of such legislation before it leaves Congress. In 1793 Secretary of State Jefferson asked the Court 29 questions relative to the obligations the United States had assumed with France under its treaty of 1778. The Court declined to consider the questions, a precedent which has never been violated. These questions, ruled Chief Justice John Jay, were nonjudicial and implied that the Cabinet existed precisely to advise the President.[96] Although it is true that a number of State courts issued advisory opinions to the State legislature, it is worth noting that such advisory opinions are not binding on the Court if and when subsequent adverse litigation arises. Thus Alexander Hehmeyer's proposed amendment, in "Time for Change," in which advisory opinions would be rendered on a request from Congress, the President, one-third of the Governors, or one-half of the State legislatures would convert the Court into a real Chamber of Revision.[97] According to Frank, the Court "avoids a good many controversies. It has developed whole groups of rules as to what it will and what it will not decide. Particularly in the constitutional field it has learned that caution may be more profitable than haste, and has found ways of dealing with problems that might get it into trouble." [98]

Among these judicially self-imposed limitations, the Court refuses to entertain actions involving "political questions" or those in which the litigant has no standing, and will decide nothing but a real case or controversy. This last limitation gives rise to what Justice Robert Jackson once conceived as government by lawsuit.[99] As one scholar of the Court rightly remarked, in Europe struggles over power bring out regiments of troops while in the United States they bring out batteries of lawyers.[1] The Court not only has asserted that the essential element is their final binding judgment on the both the object and the molder of public opinion, never very far removed from the dominent community response to the great public." Frank, op. cit. supra note 2, at 214.

[77] Warren, op. cit., supra, note 43, at 103.

[78] Butzner, "Constitutional Chaff, Rejected Suggestions of the Constitutional Convention of 1787" 114; Hart & Wechsler, "The Federal Courts and the Federal System" 12 (1953): "The motion was strongly opposed and only Connecticut supported it."

[79] Hazlitt, "A New Constitution Now" 220 (1942).

[80] U.S. News & World Report, July 5, 1957, p. 104.

[81] Jackson, "The Supreme Court in the American System of Government" 26 (1955).

[82] On the judges having life tenure, see Schwartz, "The Supreme Court, Constitutional Revolution in Retrospect" 65, 367 (1957).

[83] "The Federalist" No. 78 (Everymen ed. 1934) (Hamilton). The Founding Fathers must have had the Declaration of Independence partly in mind, for note the ninth specification: "He [George the Third] has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries."

[84] See *McCulloch* v. *Maryland* (17 U.S. (4 Wheat.) 316 (1819).)

[85] Vanderbilt, op. cit. supra note 53, at 24–25. "Throughout the Court has been

[86] Id. at 46.

[87] U.S. Constitution, art 2, sec. 4.

[88] 1956 Congressional Quarterly 286. The Justices cited were Warren, Black, Douglas, Clark, Frankfurter, and Reed. The resolution was based on the Court's ruling in sedition cases and others in which the Justices were accused of usurping powers reserved to the States. The Georgia Senate completed action on a resolution calling for impeachment of Court members for "high crimes and misdemeanors." Chicago Daily News, Feb. 21, 1957, sec. 1, p. 6, col. 3.

[89] Library of Congress. "The Constitution of the United States of America" 502 (1952).

[90] The judiciary was viewed as a "great rock," said Justice Douglas to the Bar of the City of New York, because it was unmoved by the storm breaking over it, even when they led to attempts at nullification. New York Times, Nov. 9, 1958, p. 1, col. 3 (city ed.).

[91] New Republic, April 23, 1956, p. 11.

[92] Frank, op. cit, supra, note 2, at 35.

[93] Except for the removal of Justice Pickering for insanity in 1803, the Jeffersonians were unsuccessful in removing any Justices. Library of Congress, "The Constitution of the United States of America" 501–504 (1952).

[94] Bartholomew, "American Government Under the Constitution" 79–80 (3d ed. 1956).

[95] Carr, op. cit., supra, note 32, at 262.

[96] See Jefferson's letter (while Secretary of State) to Chief Justice John Jay (July 8, 1793), and the list of 29 questions, together with Jay's letter of August 8, 1793, declining the invitation to advise the Government because it was a function more properly belonging to the Cabinet rather than to the Court. Hart and Wechsler, op. cit., supra, note 78, at 75. The argument for advisory opinions is that today's legislation is administered by the Executive and this often requires setting up complex machinery and of employing thousands of people. It is an "attempt to get a settlement of the constitutional issue before administrative enforcement of the legislation begins." Corry "Elements of Democratic Government" 365 (1951). For the arguments against advisory opinions, see Downing and Edwards, "American Constitutional Law" 55–56 (1954).

[97] Hehmeyer, "Time for Change" 178 (1943).

[98] Frank, op. cit., supra, note 2, at 37.

[99] Jackson, op. cit., supra, note 81, at 11–12.

[1] Schwartz, "Is the Criticism of the High Court Valid?" N.Y. Times, Aug. 25, 1957, sec. 6 (magazine), p. 14.

parties,[3] but it will not anticipate a question or decide it on a constitutional issue if it can be avoided. Thus, with all the talk to the contrary, the judicial activism of the Warren Court in the case of the political offender is much exaggerated.[5] "By and large," says Dean Rostow, "the Supreme Court has not gone past the frontier of its power, nor taken on issues beyond its duty to decide, in its recent cycle of constitutional cases."[4]

It is repeatedly affirmed that the members of the Court ought to retire at 70 or 75 years of age, as in the original Butler amendment,[5] although the age factors is not as pressing today as it was two decades ago. No doubt there have been justices who refused to retire notwithstanding lack of mental vigor.[6] But the same could be said of Congressmen who have refused to resign despite incapacity so long as they controlled their party machinery or it served the interest of the party to keep them in the legislature. Mr. Truman, who could speak with some authority on Congress, had this in mind when he said that the legislative disease was "senility and seniority."[7] It is naive to believe that a Congressman who is chairman of a key committee in the legislature is any less powerful than a Supreme Court justice.[8] As William White correctly observes, a chairman is "emperor."[9] Finally, the question of retirement of judges is often political. Thus, in April, 1937, when the Court was predominantly Republican and a Democrat was in the White House, an American Institute of Public Opinion poll recorded that 65 percent of the Republicans opposed such an amendment, but 80 percent of the Democrats approved. But in 1954 it was the Republicans in the Congress who pushed a provision to compel Federal judges to retire at the age of 75. In 1954, the Federal bench was overwhelmingly Democratic and a Republican was in the White House.[10]

Moreover, intellectual alertness is not contingent upon age as witness the careers of Holmes, Brandeis, and Hughes. Chief Justice Hughes, writing between his two terms on the Court, remarked that the work of the bench kept a man keen witted and earnest.[11] The suggestion that a mandatory retirement age be imposed on the Court while not imposed on the Congress, the President, Cabinet officials, chairmen of commissions and others, assumes that only the judges can do great harm.[12] Anyone familiar with the legislative process knows this view to be baseless.[13] For the most part, moreover, prominence at the bar comes late in life [14] and appointments will stem from this class unless the President is willing to defy pressures and politics and select competent but relatively young Justices. Even with the selection of three young men, Brennan, Whittaker and Stewart, the present Court is not considered young. A compulsory retirement plan would be calamitous to the national welfare. Several assumptions, for example that physical and mental degeneration is a concomitant of old age, have not been adequately explored, as Prof. John Schmidhauser persuasively argues.[15] Recent findings in geriatrics hesitate to identify age with illness or mental inflexibility or conservatism. This view was authoritatively supported by Dr. Gunnar Gunderson before the National Gerontological Society.[16]

The critics of the Court complain that the judges do not know any law and that the Court is made up of nonpracticing attorneys like Warren, law school professors like Frankfurter, or politicians like Clark.[17] In addition, the Court is accused of scuttling stare decisis. Justice Robert's remark is gleefully quoted. He said that overruling decisions tends to bring adjudication by the Court into the same class as a restricted railroad ticket, good for this day and train only.[18] Yet the phrase a "switch in time saves nine" is attributed to him for his jumps between the majority and minority in 1936 and 1937. Justice Reed remarked that overruling decisions had long been an accepted practice, and pointed out more than a dozen instances when the Court had overruled itself when Roberts sat on it, and in most of these he had concurred.[19] Roberts' view overlooks what Cardozo in the "Nature of the Judicial Process" called static and dynamic precedents.[20]

What is often ignored is the fact that mere technical craftsmanship is not sufficient on the Supreme Court, although of course every judge ought to possess a decent portion of it. The judge must interpret the law, but the law is not always clear for "the Court does not really decide cases by formula as a pharmacist might prepare a remedy. The law is more subtle than chemistry and does not lend itself to the prescription of proprietaries."[21]

Precedents are often conflicting. Public law is concerned with great public questions and a mere technical ability will not suffice. What is needed on the Supreme Court are Justices with a grasp of disciplines that complement the law. For every Brandeis familiar with economics, a Holmes versed in literature, and a Cardozo learned in philosophy, as Henry Commanger remarked, there are numerous judges who "regard such learning as esoteric if not irrelevant."[22] Congress itself recognized this great public law feature of the Court for in 1925 it enacted what has come to be called judge law, the law under which we live today and which enables the Court to disregard petty types of cases it previously heard in favor of public questions of national importance.[23]

Single out any great Justice in the Court's history and invariably he will be a man who

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[3] Dowling and Edwards, op. cit. supra, note 96, at 54. Library of Congress, "The Constitution of the United States of America" 550 (1952).

[5] Pritchett, "The Political Offender and the Warren Court," 38 B.U.L. Rev. 53, 119 (1958). "Ever since 1937, the Supreme Court has followed a deliberate, consistent policy of reducing and withholding its jurisdiction. It has employed every known device in the tool chest of procedure to avoid friction with Congress." Cahn, "Brief for the Supreme Court," N.Y. Times, Oct. 7, 1956, sec. 6 (magazine), p. 9.

[4] Rostow, supra, note 39, at 581. Discussing the American Bar Association's criticisms of the Court (stemming from the association's house of delegates which met in Chicago, February 1959), Anthony Lewis points out that the Court, in the *Steve Nelson* case, "chose the ground of decision it did in part because of the constitutional problems that would otherwise be raised. This same theme has run through many of the cases—narrow construction of a statute to avoid constitutional questions." N.Y. Times, Mar. 1, 1959, sec. IV, p. 10E, col. 1.

[5] Sec. 1 of the original Butler bill would compel the Justices to retire at age 75. It was by the Senate Judiciary Committee on Mar. 24, 1954, and passed by Senate on May 11, 1954. Brown, "Proposed Amendments to the Constitution of the United States," 1947–53, No. 180 (1953). Hazlitt, op. cit., supra, note 79, at 217, has a similar proposal.

[6] Fairman, "The Retirement of Federal Judges," 51 Harv. L. Rev. 397 (1938). Judge Duval, Professor Fairman points out, was deaf, Baldwin physically unfit, McKinley ill most of the time, and Field interested in establishing an endurance record. Fairman would like to see judges retire at 70 with a continuance until 78 if the President and Senate concur. He would also favor the mentally unsound retiring, the extension of generous financial terms to justices as an incentive to retire, and the creation of procedure to separate a judge who was prematurely disabled. As a caution, though, he suggests that the proposed amendment should be brought into effect without producing any sudden remaking of the judiciary.

[7] Hillman, "Mr. President" 148 (1952).

[8] Thus, Senator CARL HAYDEN (Democrat, Arizona), 80 years old, has been in Congress over 46 years; some 15 members of the 85th Congress served more than 30 years each; Daniel Reed (Republican, New York), over 82 years of age, has 32 years in the House; and Speakers RAYBURN and MARTIN have 44 and 33 years in the House, respectively. 13 Congressional Quarterly 1308 (1957).

[9] White, op. cit., supra, note 29, at 180.

[10] Peltason, op. cit., supra, note 32, at 38.

[11] Hughes, op. cit., supra, note 46, at 24.

[12] Former President Harry S. Truman believes that some Congressmen have lived in Washington too long—men who "live in a day back before the First World War." He suggests, as a remedy, that there ought to be a limit on any President, Senator, and Representative. Hillman, op. cit., supra, note 106, at 148.

[13] It is difficult to telescope the terrible power Senators have, especially the "institution" dominated by Southern chairmen, but Mr. White's sentence is illustrative: "Over the affairs of the Republic * * * the mandate of the Senate is for paractical purposes limitless," White, op. cit., supra, note 29, at 3. As a powerhouse the Speaker needs no description, as Mr. RAYBURN has shown time and again, but most recently in opposing the disability amendment proposed by the Eisenhower administration. Menez, "The Presidential Disability Plans," Chicago Sun-Times, Apr. 6, 1958, sec. 2, p. 3.

[14] Despite the appointment of 43-year-old Potter Stewart of the 6th U.S. Circuit Court of Appeals, appointees' ages have steadily risen over the years. Within the last several decades most of the judges were appointed in their middle or late fifties and Cardozo, Byrnes, and Warren in their sixties. "Curtailment of the valuable services of eminent Justices seems unwarrented." Schmidhauser, "The Butler Amendment: An Analysis by a Nonlawyer," 43 A.B.A.J. 714, 762 (1957).

[15] Id., at 717. Rusk, M.D., "Life Span Increases," New York Times, Aug. 10, 1958, p. 79, col 1.

[16] Chicago Daily News, Nov. 6, 1958, p. 22.

[17] See the statement on minimum qualifications for appointment to the Supreme Court of the United States introduced by Senator TALMADGE. After calling attention to the lack of judicial fitness of the present Supreme Court, his bill would require that every appointee to the Court have at least 5 years' judicial service on a lower district court, court of appeals or the State's highest court, S. 880, 86th Cong., 1st sess. (1959).

[18] Said the Honorable M. T. Phelps, justice of the Arizona Supreme Court: "The present Supreme Court apparently does not feel itself bound by either precedent or by the Constitution itself. * * * The Supreme Court's decisions are as unstable as the shifting sands of the desert and are as unsound as they are unstable." 105 CONGRESSIONAL RECORD, A6 (daily ed., Jan. 9, 1959). Justice Roberts' remark is in his dissent, *Smith* v. *Allwright*, 321 U.S. 649, 666 (1943). See the pertinent discussion of stare decisis in Mason, "The Supreme Court From Taft to Warren," 193–200 (1958).

[19] Frank, op. cit., supra, note 2, at 258.

[20] Cardozo, "The Nature of the Judicial Process," 163–4 (1921).

[21] Latham, supra, note 11, at 7.

[22] Carr, op. cit., supra, note 32, at 248.

[23] "And the Judiciary Act of 1925 has made the Court the master of its docket so that it now may be free to concern itself only with cases that have a substantial public interest." Frankfurter, "The Supreme Court in the Mirror of Justices," 23 Vital Speeches of the Day 434 (1957).

had combined legal talent with additional academic and professional accomplishments [24]—Judges whose efforts and talents outran merely the casebooks. As Professor Chafee once said concerning the opposition to the appointment of Hughes, "it is less revealing to examine the list of clients in the nominee's office than to investigate the books in his library.[25] Of the 14 Chief Justices, moreover, only five had previous judicial training [26] indicating that "judicial success is as unrelated to judicial experience as is executive experience necessary to the Presidency." [27] As the hearings before the Judiciary Committee often confirm, the appointees have to prove their political trustworthiness while their legal ability, whatever it might be, is assumed. It is certain, though, that in any valuation of a judge public service experience cannot be considered unimportant in determining judicial temperament and fitness.[28]

Being a successful politician is no mean achievement. Before ascending to the bench, for example, Justice Warren, as Governor of California, signed some 10,000 bills, none of which was reviewed by the judiciary. In addition, Earl Warren was not only elected three successive terms as Governor—the only Governor so honored—but under the cross-filing system with nomination of both parties. He was also a Vice Presidential nominee of the Republican Party.[29] Politicians of such extraordinary ability have proved extremely capable judges. A judge should not be a politician, said Chief Justice Arthur Vanderbilt of the New Jersey Supreme Court, but if he knows nothing about politics he is likely to "make many blunders until he learns what it is all about." [30] Supreme Court Judges having no prior judicial experience, according to Cortez Ewing in "The Judges of the Supreme Court," constitute a "veritable galaxy" of the judicial greats. He is unconvinced, also, that the selection of Judges of previous judicial experience would have equaled the contributions to the law as these appointees.[31] As Justice Felix Frankfurter said at the Roberts Memorial Lecture at the law school of the University of Pennsylvania: "One is entitled to say without qualification that the correlation between prior judicial experience and fitness for the functions of the Supreme Court is zero." [32]

Perhaps because he is disappointed with Warren's liberalism—he finds some of the recent opinions hard to understand [33]—President Eisenhower stated that an attorney lacking judicial experience would not receive an appointment to the Supreme Court, unless he had an exceptional background.[34] It would be a great loss to our national well being if Eisenhower's practice were followed by subsequent Presidents whereby great public servants without previous judicial experience were cut off from the Court.[35] As John Frank writes:

"In the ultimate positions of power the most valuable qualities are wisdom, judgment, and great energy. Experience can aid but it can also diminish any of these qualities. * * *

"From another standpoint, one can know so much about one's job that he does it badly. The man at the top makes policy. Great policy making often requires a bold transcendence over practice, precedent, and experience. A man conditioned to the daily workings of a bureaucracy is dangerously unlikely to conceive of the building of 100,000 airplanes in the Nation's hour of need, or the buying of the vast Territory of Louisiana from France, or the creation of an international league of states, or the freeing of a slave population by executive order. The same thing is true—in a more limited way, of course—in the Judiciary. When the question "What shall we do tomorrow?" is asked, the judge answering it must be able to answer without being limited altogether by the answer to "What did we do yesterday?" [36]

It might be mentioned, too, that the growing practice of submitting the names of nominees to a committee of the American Bar Association for clearance could well prove the dimunition of the appointing power.[37] This is not to suggest that the bar should not be consulted. The bar, however, tends to be conservative and this custom once established could prove to have a prenatal influence on the nominating power.[38] This usage which approximates senatorial courtesy would drive the President into a dilemma of selecting judges which meet the bar's conception of "judicial temperament," [39] a most illusive phrase, or of ignoring the bar and creating an opposition bloc.[40]

Chief Justice Warren might not be considered the legal craftsman that Stone was,[41] but he did show his great judicial leadership in getting a unanimous Court to overrule the segregation decision, *Plessy* v. *Ferguson*,[42] and in achieving a majority for the historic personal liberty cases in the last

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[24] Id. at 432.

[25] Freund, "Umpiring the Federal System," 54 Colum. L. Rev. 561, 574 (1954).

[26] See the statistical data in Ewing, "The Judges of the Supreme Court, 1789–1937" 94–108 (1938).

[27] Frank, op. cit., supra, note 2, at 46.

[28] Lewis, "What Qualities for the Courts?" New York Times, Oct. 6, 1957, sec. 6 (magazine), p. 17; Frankfurter, "The Job of a Supreme Court Justice," New York Times, Nov. 28, 1954, sec. 6 (magazine), p. 14. After mentioning that like Chief Justice Warren, Chief Justices Marshall, Taney, Fuller, Hughes, and Stone had not been previously judges, Dean Erwin N. Griswold adds: "The task of judging in the Supreme Court is not, for the most part, like that in other courts in the country, and experience has shown in many cases that a record of high achievement in political office is excellent background for a Supreme Court post." 105 CONGRESSIONAL RECORD, A150 (daily ed., Jan. 14, 1959), Mason, op. cit., supra, note 117, at 45, concurs with Dean Griswold's position.

[29] Bassett, "Unpartisan Chief Justice of the United States," New York Times, Oct. 11, 1953, sec. 6 (magazine), p. 10. Chief Justice Howard Taft valued previous experience as much as anyone but "of the eight appointments which he personally made or influenced the most successful were those made most definitely on political grounds." Holcombe, "Our More Perfect Union," 294 (1950).

[30] Vanderbilt, op. cit., supra, note 53, at 28.

[31] Ewing, op. cit., supra, note 125, at 119.

[32] Frankfurter, "The Supreme Court in the Mirror of Justices," 23 Vital Speeches of the Day, 434, 436 (1957). Charles Evans Hughes listed eight outstanding judges only two of whom had previous judicial experience. Hughes, "The Supreme Court in United States History," 58 (1928).

[33] Chicago Sun-Times, June 27, 1957, p. 4, col. 3. "In their [the Supreme Court's] latest series of decisions there are some that each of us has very great trouble understanding," said the President. 13 Congressional Quarterly, 807 (1957).

[34] President Eisenhower's press conference, Feb. 6, 1957. Drinan, "How Not To Select Judges," 98 America 683 (1958). Mason, op. cit., supra, note 117, at 219. See also Rogers, "Judicial Appointments in the Eisenhower Administration," 12 J. Am. Jud. Soc'y. 39–40 (1957).

[35] A number of bills have been introduced in Congress that require judicial experience of one kind or another before a judge ascends to the Supreme Court. Thus, Representative Henderson Lanham, Democrat, of Georgia, introduced H.R. 322, 85th Cong., 1st sess. (1957), requiring that each Justice belong to the bar and have 10 years' practice and 5 years' judicial experience; Senator R. B. LONG'S bill, S. 171, 85th Cong., 1st sess. (1957), would require that at least one-half of the Court be judges of at least 6 years' experience; Senators G. A. SMATHERS and HERMAN E. TALMADGE, in identical bills, S. 283 and S. 1184, 85th Cong., 1st sess. (1957), would require 5 years' judicial experience; Senator J. STENNIS, Democrat of Mississippi, in S. Res. 96, 85th Cong., 2d sess. (1958), provides that at least every second nominee have 10 years' service, 13 Congressional Quarterly 808 (1957). For Senator STENNIS' plan in more detail, see his address in CONGRESSIONAL RECORD, vol. 104, part 2, page 2803.

[36] Frank, op. cit., supra, note 2, at 47.

[37] For the complete account of how the American Bar Association's Committee of Judicial Selection operates, see Fox "The Selection of Federal Judges: The Work of the Federal Judiciary Committee," 43 A.B.A.J. 685 (1957), in 104 CONGRESSIONAL RECORD A1017 (daily ed., Feb. 4, 1958). The importance of the committee for the President is illustrated by the fact that when President Eisenhower learned from the bar association that it had not passed on the nomination of Justice Brennan, he directed that the nomination be held up until the committee could report.

[38] See Drinan, supra, note 133, at 683: "The prior approval of the bar association for all judicial appointments would indeed be a treacherous idea to introduce." A similar conclusion is reached by Lewis, supra, note 127.

[39] Heading a list of 55 Bostonians who opposed the confirmation of Louis Brandeis to the Court, President Lowell of Harvard wrote: "We do not believe that Mr. Brandeis has the judicial temperament and capacity which should be required in a judge of the Supreme Court." Peltason, op. cit., supra, note 32, at 34. But what are the requirements of judicial temperament? Anthony Lewis suggests that this means technical skill, disinterestedness, a breath of vision, ability to express one's self, and an awareness of tradition. Lewis, supra, note 127.

To Justice Felix Frankfurter judicial temperament means "largeness of view" in deciding great issues before the Court over and above technical legal equipment. Frankfurter, "The Supreme Court in the Mirror of Justices," 23 Vital Speeches of the Day 434, 436 (1957). Although important, prior judicial experience, for Dean Drinan, is not the only requirement for becoming a judge. Law school professors, trial lawyers, professional arbitrators, public agency officials and legal research experts "are oftentimes superior in judicial temperament and ability to those who happen to be judges of a lower court. A true intellectual and moral talent for harmonizing conflicting interests should be the test required of an appointee to the bench." Drinan, supra, note 133, at 683.

[40] When President Woodrow Wilson appointed Louis D. Brandeis in 1916 to fill the vacancy caused by the death of Justice Lamar, five former Presidents of the American Bar Association opposed the appointment. Peltason, op. cit. supra, note 32, at 34. Mason, "Brandeis' A Free Man's Life" 489 (1946). If the recommendation of the Federal Judiciary Committee is not accepted by the Attorney General, the committee then can feel free to openly oppose the Presidential nomination before the Senate Judiciary Committee. Fox, supra, note 136, at 685.

[41] Schwartz, "Warren Court—An Opinion," New York Times, June 30, 1957, sec. 6 (magazine), p. 10. Although competent in his individual duties, Stone did not function well as a Chief Justice, that is, as an administrative officer. The Conferences deteriorated. Prichett, "The Roosevelt Court," 40 (1948).

[42] 163 U.S. 537 (1896).

two terms.[43] Although not to the extent claimed, the Warren Court has not hesitated to overturn stare decisis when respect for such previous ruling was no longer held by the community and the precedent had lost its vitality.[44] The law student as well as the practicing lawyer might well be annoyed; but the law must adapt itself to changing circumstances. Answering those who believe the Court should not reverse itself, former Justice Stanley Reed said:

"It would not be practicable to adopt a rule that a judicial interpretation of the Constitution by the Supreme Court could not be modified by a later decision; that such a change could come only by constitutional amendment. The power of the dead over the living would be too far extended." [45]

In the case of statutory construction, at any rate, the legislature has the final word. Not only can Congress correct the "error" by an amendment to the law—for example, it did this 26 times in income tax cases between 1945 and 1957—but it is a "healthy practice." [46]

A frequent complaint from the bar and the press is that the Court is acting as a third chamber engaged in policy functions [47] and deciding cases not on law but on sociology. If this means that the courts are influenced by sociology in deciding their cases then they stand guilty. But the Court is now doing somewhat more obviously perhaps, what it has always done; that is, to make social policy, and to interpret the Constitution in such a way as to give social policy the juristic room it requires.[48] As Judge Robert Lefler of the Supreme Court of Arkansas, and now professor of law at the Arkansas Law School put it, the critics of the Court are really annoyed by the fact that sociology has not been accepted; the grievance is not that the Court made a choice between views on race relations, it is that the Court made its choice against their views.[49] Further, it has been some time since the Court has restricted itself to the legal materials, as indicated by expansion of the Brandeis brief.[50]

One method of curbing a runaway Court, as some critics have called it, is for Congress to curtail its appellate jurisdiction. Congress, under its power to make exceptions and regulations, can follow the McCardle [51] precedent and undercut the Court's jurisdiction in the very areas now challenged. Senators Jenner and BUTLER led the attack on the Court. On April 30, 1958, the Senate Judiciary Committee—at the time sharply under indictment by Senator HENNINGS, of Missouri, for reporting bills without adequate hearings [52]—passed by a 10-to-5 vote and sent to the Senate the Butler-Jenner amendments which were designed to check the Court in four areas: (1) State subversion laws having been ruled out by the Nelson [53] case, thereby allowing the States to prosecute for subversion unless Congress expressly forbade them to do so; (2) overturn the Watkins [54] case and deprive the Court of jurisdiction over congressional committees. Thus any question, says the amendment, shall be deemed pertinent * * * if such question is ruled pertinent by the body conducting the hearing; (3) overturn the Konigsberg [55] and Schware [56] cases and deny the Court power to review any State regulations, or discussions on admission of persons to the State bar; (4) recall the Yates [57] case and broaden the Smith Act to outlaw such advocacy without regard to the immediate probable effect of such action.

On a close vote following much intricate parliamentary maneuvering, the Senate rejected the Jenner-Butler bill, and along with this defeat a host of other lesser anti-Court bills were impaled.[58]

"My bill," Senator Jenner had said, "would push the Supreme Court into its own sphere." [59] Although Senator Jenner claimed his bill was not addressed to remedy any individual cases, it was curious and "somewhat more than sheer coincidence," as Congressman EMANUEL CELLER pointed out in a letter to the New York Times, that the areas the Jenner bill covered embody "precisely the issues decided in recent decisions of the Court." In addition, Mr. CELLER claimed that the bill (1) would abolish the Court as an institutional framework of Government created by the Constitution; (2)

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[43] Pritchett, op. cit., supra, note 140, at 62.

[44] Warren's opinion, it has been charged was a sociological one. Obviously the grounds could not be legal because the precedents were against him. But the Supreme Court is not solely a Court of law. It is a Court of law and justice. Pritchett, op. cit. supra, note 140, at 62–63. Delivering the keynote address at the 81st annual American Bar Association convention at Los Angeles, Chief Justice Warren pleading for respect for law and its enforcement said: "Therefore, I urge we make the improvement of justice the great central cause of our profession." Chicago Daily News, Aug. 25, 1958, p. 8, col. 5.

Moreover, regardless of the technical problems involved some justices have always believed that the goal of the Court was substantial justice. Frank, op. cit., supra, note 2, at 149.

[45] Former Associate Justice Stanley Reed before the bar of the city of New York, New York Times, Nov. 9, 1958, p. 44, col. 6 (late city ed.).

[46] Associate Justice William O. Douglas, before the bar of the city of New York, New York Times, Nov. 9, 1958, p. 44, col. 1 (late city ed.). A legislature cannot continually amend statutes and thus pass on the Court's interpretations but it can periodically check the main lines of policy developments of the Court. In the long run in a democratic society it "has both the duty and the opportunity to keep watch over the main lines of social policy and ultimately to speak the final word as to any major issue of statute interpretation which may arise in the courts." Carr, "American Democracy in Theory and Practice," 248 (rev. ed. 1955).

[47] Lawrence, "High Court a Third Chamber?" Chicago Daily News, Oct. 1, 1958, p. 16, col. 3.

[48] Latham, supra, note 11, at 25.

[49] Lefler, "The Role of the Supreme Court in the American Constitutional System," 33 Notre Dame law, 548, 570 (1958). See the remarks on the Court's use of sociology by Senator ELLENDER in 105 CONGRESSIONAL RECORD, page 475. Also Mr. JOHNSTON of South Carolina who says: "There must be a brake applied to the present trend in courts to supplant justice with psychology, sociology, and ideology. The men in our courts are more and more becoming witch doctors of sociology and psychology rather than dispensers of justice and supporters of law." 105 CONGRESSIONAL RECORD, page 266.

[50] Chief Justice Stone, for example, always stressed the necessity of deciding constitutional cases with the aid of all available information within the range of judicial notice or which has been developed at the trial. He wrote: "The questions which come to us are rooted in history and in the social and economic development of the Nation. To grasp their significance our study must be extended beyond the examination of precedents and legal formulas, by reading and research in fields extralegal, which nevertheless have an intimate relation to the genesis of the legal rules we pronounce." Konefsky, "Chief Justice Stone and the Supreme Court" 261 (1945). For a most perspicacious article supporting the Chief Justice, see Newland, "Legal Periodicals and the U.S. Supreme Court," 3 Midwest J. of Political Science 58 (1959).

[51] In *Ex parte McCardle*, 74 U. S. (7 Wall.) 507 (1868). Congress, fearful that the Court would overthrow the validity of the Reconstruction Acts, withdrew appellate jurisdiction from the Court in certain cases of habeas corpus despite the issue having been already argued and ripe for decision. Library of Congress, "The Constitution of the United States of America" 614–616 (1953). This decision two students of the Constitution term a "regrettable legislative assault upon the independence of the Court." Cushman and Cushman, "Cases in Constitutional Law," 62 (1958). As a result of *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866), Congress attempted to restrict again the Court's appellate power, but a compromise among the principals postponed the showdown. "Today this decision is regarded as one of the bulwarks of American freedom." Brownell, "The U.S. Supreme Court: Symbol of Orderly, Stable, and Just Government," 43 A.B.A.J. 579, 595 (1957). As in a number of civil liberty cases today, there was talk of impeaching the judges. Cushman and Cushman, op. cit., supra, note 1949, at 494.

[52] CONGRESSIONAL RECORD, vol. 104, part 15, page 18914.

[53] *Pennsylvania* v. *Nelson*, 350 U.S. 497 (1956).

[54] *Watkins* v. *United States*, 354 U.S. 178 (1956).

[55] *Konigsberg* v. *State Bar*, 353 U.S. 252 (1956).

[56] *Schware* v. *Board of Bar Examiners*, 353 U.S. 232 (1956).

[57] *Yates* v. *United States*, 354 U.S. 298 (1957).

[58] See 14 Congressional Quarterly (Aug. 29, 1958); Lewis, N.Y. Times, Aug. 21, 1958, p. 1, col. 6 (late city ed.). For the text of the Jenner and Butler bills, see 33 Notre Dame Law 613 (1958). As was anticipated, there have been numerous bills introduced in the 86th Cong., 1st sess., to limit sharply the Supreme Court's appellate power. See H.R. 486, 86th Cong., 1st sess. (1959) (Mr. COLMER, Mississippi); H.R. 634, 86th Cong., 1st sess. (1959) (Mrs. St. GEORGE of New York); H.R. 659, 86th Cong., 1st sess. (1959) (Mr. SMITH of Mississippi); H.R. 1133, 86th Cong., 1st sess. (1959) (Mr. HUDDLESTON, of Alabama); S. 294, 86th Cong., 1st sess. (1959) (STYLES BRIDGES, of New Hampshire), formerly S. 654, 85th Cong., 1st sess. (1957); H.R. 1139, 86th Cong., 1st sess. (1959) (Mr. RIVERS, of South Carolina), which would give the States concurrent power in opposition to *Pennsylvania* v. *Nelson*, 350 U.S. 497 (1955), in the field of sedition and subversion. CONGRESSIONAL RECORD, p. 620 (daily ed., Jan. 14, 1959), and H.J. Res. 201, 86th Cong., 1st sess. (1959), which would amend the Constitution so that the Supreme Court could not overrule, modify or change any prior decision of that Court in construing the Constitution or an act of Congress. CONGRESSIONAL RECORD, p. 1428 (daily ed., Jan. 29, 1959). As CHARLES A. VANIK, of Ohio, pointed out, such an amendment would force the U.S. Supreme Court into a death grip with its own precedents, freeze precedents—wise or unwise, clear the way for electronic Supreme Court decisions and establish an irrefutable dictatorship of past precedents. CONGRESSIONAL RECORD, pp. 1431–1432 (daily ed., Jan. 29, 1959).

[59] CONGRESSIONAL RECORD, vol. 104, pt. 4, p. 4195. "Obviously," says the Richmond News Leader, a supporter of Senator Jenner, "These five fields were chosen with an eye toward rebuking the Court for some of its more outrageous opinions of recent months. And just as plainly the Court richly deserves such a rebuke." CONGRESSIONAL RECORD, p. A2136 (daily ed., Mar. 6, 1958).

corrode an independent judiciary; and (3) balkanize the American judicial system.[60] Congress may regulate in the exercise of its legislative power the appellate jurisdiction of the Court but "it may not commit legislative murder by destroying that jurisdiction."[61] Prof. C. Herman Pritchett believes that the discretion given Congress in article III, section 2, is a loophole which, like the electoral college, has been plugged and hence this method of congressional control is no longer respectable.[62] Lending weight to this view is the suggested constitutional amendment of the American Bar Association which would abolish this congressional discretion and give to the Court jurisdiction in all cases arising under the Constitution.[63]

"Resolved, That the American Bar Association approves the submission to the Congress of the United States of an amendment to article III, section 2, of the Constitution of the United States of America, establishing in the Supreme Court of the United States appellate jurisdiction in all cases arising under the Constitution of the United States."

It is now apparent that none of the personal liberty cases of the 1956 and 1957 terms involved the weakening of adequate national security.[64] As far as the Jencks [65] decision is concerned Congress has already amended the statute to the satisfaction of the Attorney General.[66] Congress could similarly tighten up its statutes or resolutions accommodating them to the Court's objections.[67] The Smith Act "is still very much alive, if the Government wants to take the trouble to use it in accordance with the Supreme Court's restrictions." [68]

If such suggestions to "reform" the Supreme Court were not enough, proponents of change also recommend (1) that the number of justices on the Court, as in the annual Dondero amendments,[69] be permanently set at nine, a proposal which passed the Senate of the 83d Congress but which died in the House; [70] (2) amending the Constitution as was done in the 11th, 14th and 16th amendments, thus "recalling" certain decisions; [71] (3) providing that no justice could resign from the Court and within a period of 5 years seek the Presidency or Vice-Presidency—an amendment suggested with Warren in mind; [72] (4) selecting the Supreme Court by a majority vote of the chief justices of each State; [73] (5) restricting any one President to appointing no more than three Supreme Court justices; [74] (6) requiring each judge to be a member of the bar in good standing and have 5 to 10 years judicial experience; [75] (7) insuring a nine man vote by having lower court judges sit when a judge is absent or has disqualified himself and allow the Court to sit en banc, a procedure followed in the courts of appeals; [76] and, finally, (8) having the Chief Justice, either annually or when formally requested by Congress from time to time, address Congress on the state of the Federal judiciary.[77]

In the past these and similar proposals have been rejected. Powerful and level-headed Congressmen, led by Senators MORSE, HENNINGS, and JOHNSON in the Senate, and Representatives like EMANUEL CELLER, repulsed the kill-the-umpire mood of the 85th Congress. EMANUEL CELLER, chairman of the House Judiciary Committee, said he would not "countenance any kind of hocus-pocus legislation aimed at the Supreme Court." He added that those "who are criticizing it now will have reason in the future to be glad it is still around." [78] The Congress, it seems, will continue to adjust itself to Senator EASTLAND'S characterization of the Court as being "freewheeling" and other strictures, such as that of Louis C. Wyman, attorney general of New Hampshire, that "majority of the Supreme Court of the United States has equated Communist activity with lawful politics." [79]

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[60] Letter from Representative EMANUEL CELLER, chairman of the House Judiciary Committee, to the New York Times, Mar. 30, 1958, p. E8, col. 6.

[61] Taylor, "Is the Supreme Court Supreme?" New York Times, Oct. 5, 1958, sec. 6 (magazine), p. 10.

[62] Pritchett, "The Political Offender and the Warren Court," 38 B.U.L. Rev. 53, 118. Of 73 deans of law schools and distinguished lawyers, only 4 favored the original Jenner bill. Drummond, Chicago Sun-Times, Mar. 14, 1958, p. 36, col. 1. It was too much even for the conservative Chicago Tribune which labeled it "a dangerous bill." Feb. 24, 1958, sec. 1, p. 12, col. 1.

[63] Elliott, *supra,* note 56, at 597:

[64] New York Times, June 23, 1957, sec. 4, p. 3, col. 1.

[65] *Jencks* v. *United States,* 353 U.S. 657 (1957).

[66] New York Times, Aug. 30, 1957, sec. 1, p. 1, col. 6. Signed by the President Sept. 2, 1957.

[67] Peltason, "Federal Courts in the Political Process," 59 (1955), lists a number of examples.

[68] Pritchett, "The Political Offender and the Warren Court," 38 B.U.L. Rev. 53, 81 (1958). After saying that the Government took too broad a view of its powers under the Smith Act and returned to the clear and present danger rule of Holmes and Brandeis (but not overturning the Dennis case), it is said in Cushman & Cushman, op. cit. supra, note 149, at 652: "Congress could undoubtedly amend the Smith Act by giving a different definition of the word "organize" and thus bring current and continuing activities of Communist Party officers within the reach of the statute." As for "supercession" there is nothing in *Pennsylvania* v. *Nelson,* 350 U.S. 497 (1955), denying Congress the power to pass legislation making the State partners with the National Government in its war on sedition and subversion. Not only has the Court had to act in areas left unclear by Congress, but Professor Crampton is concerned with the possibility that an individual may be subjected to successive State and Federal prosecution. He accepts the argument, moreover, that as the States may not punish for treason against the United States, so also the power to punish sedition directed against the United States is beyond their power. Crampton, "Supercession and Subversion: Limitations on State Power to Deal With Issues of Subversion and Loyalty," U. Chi. Law School Record Special Supp., vol. 8, No. 1, 24–53 (particularly 28, 33, and 35). For a balanced view of "supersession" see Wham and Merrill, "Federal Preemption: How To Protect the States Jurisdiction," 43 A.B.A.J. 131 (1957).

[69] Elliott, supra, note 56, at 607: "It appears that the events of 1937 show quite conclusively that barring a crisis more serious than the one of that year, the tradition of judicial independence is sufficiently strong to prevent legislative interference with the size of the Court. The real question is not whether the Court will function best with 9, 12, or 15 justices but whether the size of the Court will be fixed by statute or constitutional amendment." Schmidhauser, supra, note 113, at 763.

[70] Schwartz, "American Constitutional Law" 145 (1st ed. 1955). See also Brown, op. cit. supra, note 104, Nos. 29, 105, 180, 189.

[71] The 11th amendment "recalled" *Chisholm* v. *Georgia,* 2 U.S. (2 Dall.) 419 (1793), in which the Court declared a citizen could sue a State; the 14th amendment recalled *Dred Scott* v. *Sanford,* 60 U.S. (19 How.) 393 (1865), which declared the Missouri Compromise of 1820 null and void and hence a Negro was not a citizen although born here; and the 16th amendment overturned *Pollock* v. *Farmers Loan & Trust Co.,* 158 U.S. 601 (1895). "These amendments represent victories for interests which had failed to find the desired representation of judges." Peltason, "Federal Courts in the Political Process" 59 (1955).

[72] Section 4 of the Butler bill: "The office of Chief Justice has often been termed the number two office. * * * There may well be a desire on the part of persons to seek the number one office. * * * I do not believe that a man can conscientiously perform the judicial tasks assigned him if he must be mindful of the political complications of the decisions which are presented to him." Address by Senator BUTLER, Senate Speech, May 21, 1954. The following day (May 11) Senator THOMAS C. HENNINGS, JR. (Democrat, of Missouri) inquired if the observation did not apply to all Federal judges, members of regulatory commissions, Cabinet officials, Chiefs of Staff and other five star generals. However, there is no evidence that the justices trimmed their decisions with further political advancement in mind. Schmidhauser, supra note 113, at 763.

[73] S.J. Res. 168, introduced by Representative COLE (New York) Feb. 20, 1951, and referred to the Committee on the Judiciary. Brown, op. cit., supra, note 104, No. 220.

[74] Proposed by Senators EASTLAND and BRIDGES, unreported by the Judiciary Committee. This would have denied to Mr. Eisenhower, of course, the power to appoint his fourth Justice, Potter Stewart.

[75] See note 134, supra.

[76] Proposed by Representative (now Senator) KENNETH B. KEATING. This suggestion grows out of the fact that while Justice Jackson was at the Nuremberg trials as a special prosecutor, the Court set aside 15 cases to reargue because of 4–4 splits and in the last 8 years 19 cases had been decided by less than a full Court. The problem is whether these proposals can be accomplished by statute or whether they need a constitutional amendment. The plan provides for selecting a temporary judge (1) from the membership of the Court of Appeals for the 11th Circuit; (2) from a panel chosen by the judges; (3) or appointing retired Supreme Court judges temporarily, as Stanley Reed. Chicago Herald American, Mar. 25, 1958, p. 18, col. 3. As regards en banc decisions, Charles Evans Hughes said the Constitution does not authorize two or more Supreme Courts or two or more parts of a Supreme Court that function in effect as separate courts. Jackson, op. cit., supra, note 81, at 21. See also Library of Congress, "Constitution of the United States of America," 528 (1952).

[77] See the pros and cons of this suggestion in New York Times, Feb. 6, 1955, sec. 4, p. 3, col. 1. As expected, additional proposals establishing qualifications for the Supreme Court have been introduced in the 86th Cong., 1st sess. They are S. 880 (Mr. TALMADGE of Georgia); S. 813 (Mr. THURMOND of South Carolina); S. 517 (Mr. LONG of Louisiana); S. 104 (Mr. SMATHERS of Florida); H.R. 4106 (Mr. WALTER of Pennsylvania); H.R. 2922 (Mr. POFF of Virginia); H.R. 2270 (Mr. WHITENER of North Carolina); H.R. 1200 (Mr. WINSTEAD of Mississippi); H.R. 658 (Mr. SMITH of Mississippi); H.R. 421 (Mrs. ROGERS of Florida); H.R. 320 (Mr. ALEXANDER of North Carolina); H.R. 304 (Mr. ABERNETHY of Mississippi); H. Con. Res. 35 (Mr. MATHEWS of Florida); S. J. Res. 18 (Mr. LONG of Louisiana); H. J. Res. 201 (Mr. SIKES of Florida); H. J. Res. 135 (Mr. WHITENER of North Carolina); H. J. Res. 32 (Mr. ABERNETHY of Mississippi).

[78] 13 Congressional Quarterly 807 (1957).

[79] Address by Louis C. Wyman, General Assembly of Georgia, Feb. 18, 1958, in CONGRESSIONAL RECORD, p. A1624 (daily ed. Feb. 24, 1958). Senator WAYNE MORSE protested to the Senate the monstrous charge of Senator EASTLAND, of Mississippi, that the Judges

In its saner moments Congress knows there is not much point in having a Constitution if there is not a Supreme Court to say when it has been violated. Judical review, Curran Shields to the contrary in his view that it has been used to "perpetuate rule by an elite majority," [80] is too embedded in our national life to be kicked around now." [81] The Court is a terminal point and serves the real need of bringing issues to a conclusion, however it may gall us at times. Moreover as Mr. Justice Douglas noted, it seems odd that judicial review is attacked at the same time it is being adopted in France, Canada, Australia, Turkey, India, Burma, and Pakistan.[82]

It is the greatness of the Warren Court that, despite the "furious resents of a crisis," will not permit "immoral solutions for particular problems." [83] The Court will not be "curbed," [84] nor will it "take a back seat," [85] nor will it "mend" its ways, but will, instead, continue to expound the Constitution, translating it from paper into real life. The Court sits in judgment, says Mr. Justice Frankfurter, "and breathes life, feeble or strong, into the inert pages of the Constitution and the statute books." [86]

ELIMINATION OF 4¼ PERCENT CEILING ON GOVERNMENT BOND INTEREST

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. MOORHEAD] is recognized for 15 minutes.

Mr. MOORHEAD. Mr. Speaker, one of the most important issues to face the Congress this year is the administration's proposal to eliminate the 4¼ percent ceiling on Government bond interest. This proposal should receive the most serious consideration, because the outcome will greatly affect the entire economy.

The administration proposal would result in long-term high interest rate bonds being placed in the hands of the big lending institutions. It would follow inevitably that the interest rate for home mortgages and consumer loans would be increased. The interest charges on the national debt and hence the cost to the taxpayers would be increased.

The Democratic Party has always been opposed to high interest rates. We believe as a principle that Government fiscal policy should be such that interest rates be kept reasonably low for the benefit of the small borrower, rather than excessively high for the benefit of the big lending institution.

The situation with respect to interest rates may well be temporary in nature because for 40 years we have stayed within the 4¼ percent interest limit. The interest situation, therefore, should not be handled by a permanent long-term solution of issuing long-term, high-interest bonds.

The Treasury Department objects to the issuance of more short-term Treasury bills or notes, as to which there is no interest limit. I believe this objection of the Treasury Department has considerable merit. It contends that the issuance of short-term obligations which are almost the equivalent of cash is inflationary, and I believe this is correct. The Treasury Department also contends that it is unsound fiscal policy to increase the portion of the national debt which is represented by short-term obligations.

I know that the Committee on Ways and Means has been meeting regularly in an effort to find a solution. There are many sides to this question and the answers are not easy. However, I have been giving this matter some study, and I would like to call the attention of the House to one approach to this problem which might serve as a solution.

If the committee believes that an increase in the interest rates for marketable Government bonds is absolutely necessary, I suggest that the Congress eliminate the interest ceiling on Government bonds, but only on such bonds as are redeemable within a relatively short period of years after issuance.

It seems to me that such bonds have all of the virtues which the Treasury contends for long-term bonds. Because it would not be known whether or not the bonds would be redeemed, the bonds would not be the equivalent of cash and hence not inflationary. On the other hand, redeemable bonds would leave the future control of interest rates in the hands of the Government. It would not be necessary for high-interest long-term bonds to be placed irrevocably in the hands of the large lending institutions.

This is a method of financing which has proved invaluable in corporate finance. Redeemable bonds have frequently been used as a sound method of corporate financing when such financing is needed at a time when interest costs are high. This is exactly the situation in which the Government now finds itself.

This is not the first time in history such a proposal has been made. During the Civil War the Secretary of the Treasury was authorized by Congress to issue bonds which were payable 40 years from date of issue, but redeemable any time after 5 years. These and similar bonds known as five-twenties were issued in 1862, 1864, 1865 and 1867.

As further evidence of the feasibility of this suggestion, I would like to call attention to the policy of the Securities and Exchange Commission. Under the provisions of the Public Utility Holding Company Act, the Securities and Exchange Commission requires that bonds issued subject to the act "can be called by the issuer for redemption at any time upon reasonable notice and with reasonable redemption premiums, if any." In a recent address by Mr. Edward N. Gadsby, Chairman of the Securities and Exchange Commission, this policy was stanchly defended. The reason given for the adoption of this policy is the protection of the consuming public against the imposition of excessive interest costs. The Securities and Exchange Commission feels that the only way of protecting the public against exorbitant interest rates is to insist that utility bond issues be freely redeemable.

The proposal to make long-term Government bonds callable has been objected to by some persons on the ground that such bonds would not be marketable. I think the experience of the Securities and Exchange Commission with respect to public utility bonds in this connection is significant. Mr. Gadsby states that "the interest rate is not significantly affected by the absence or inclusion of a restriction on refundability," and that there seems to be "no significant difference between the market acceptance of refundable as against nonrefundable issues."

I believe that this experience of the Securities and Exchange Commission could profitably be considered by the Treasury Department. I can see no reason why the experience in public utility bond issues would not be applicable to Government bond issues.

Under unanimous consent heretofore granted, I include herewith a portion of the speech of Chairman Gadsby which appeared in the Commercial and Financial Chronicle, of Thursday, June 11, 1959. I have not included that portion of Mr. Gadsby's speech which deals with deferred tax accounting because it has no bearing on the question of redeemable bonds:

SEC ON CALLABLE UTILITY ISSUES AND DEFERRED TAX CREDITS

(An address by Mr. Gadsby before the Mountain-Pacific States Conference of Public Service Commissions, San Francisco, May 27, 1959)

(The SEC head pointedly reinforces arguments supporting free refundability policy and announces that the December 30, 1958, proposed removal of deferred tax credit as part of equity capital is still under advisement. Says recent studies reveal no significant cost or market acceptance differences

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of the Court are pro-Communist. CONGRESSIONAL RECORD vol. 104, pt. 10, p. 13347. Criticism, if responsible, is healthy: "But there is a difference between the sound criticism of the work of the Court and the nonsense reported in the SPX Research Associates documents submitted at the hearing of the Internal Security Subcommittee of the Senate Judiciary Committee which charges the Court with following the Communist line and rendering aid and comfort to our enemy." Maxwell, "Introduction to the Supreme Court in the American Constitutional System," 33 Notre Dame Law. 521, 525 (1957–58).

[80] Shields, "Democracy and Catholicism in America" (229 (1958)). Very persuasive is the counterargument of Samuel Konefsky in "Konefsky, the Legacy of Holmes and Brandeis" (1956), as quoted in Mason, "The Supreme Court From Taft to Warren." 141 (1958): "When it is said that judicial review is an undemocratic feature of our political system, it ought also to be remembered that the architects of that system did not equate constitutional government with unbridled majority rule. Out of their concern for political stability and security for private rights, particularly property, they designed a structure the keystone of which was to consist of barriers to the untrammeled exercise of power by any group."

[81] Frank, "Cases on Constitutional Law" 49 (1952).

[82] New York Times, Nov. 9, 1958, sec. 1, p. 1, col. 2.

[83] Language of Eugene Rostow in Rostow, "The Democratic Character of Judicial Review," 66 Harvard Law Review 207 (1952), which could easily be applied to the Warren court.

[84] Byrnes, "The Supreme Court Must Be Curbed," U.S. News & World Report, May 18, 1956, pp. 50–58.

[85] Mr. Justice Douglas, New York Times, Nov. 9, 1958, sec. 1, p. 1, col. 2.

[86] Frankfurter, "The Supreme Court in the Mirror of Justices," 23 Vital Speeches of the Day 434, 435 (1957).

of callables versus noncallables, and claims rights of investors, nevertheless, are safeguarded in other compensating ways. As to deferred tax accounting question, he intimates what the decision may be in noting registered holding company systems are increasingly classifying accumulated credits outside of the equity capital category. Chairman calls on State public utility commissions to adopt a parallel redemption policy, and solicits their cooperation and advice as to proper deferred tax credit treatment.)

In view of the increasing importance of public utility financing, and since this field involves many aspects of joint interest to the Federal regulatory bodies in general and our own agency in particular on the one hand and the State commissions on the other, it seems particularly pertinent to discuss the jurisdiction of our commission in general and especially to touch upon two particular problems of current mutual interest, with respect to which we have either taken action or may take action in the near future. These two problems are the commission's policy with respect to the free refundability of bonds issued by public utility companies subject to the Public Utility Holding Company Act of 1935, and the considerations governing the balance-sheet treatment to be given to the accumulated credits arising from deferred tax accounting in respect to liberalized depreciation and accelerated amortization.

ORIGIN OF SEC LAWS

The Securities Act of 1933 was passed by the Congress in the realization that lax financial and ethical standards were undermining the integrity of our capital markets, destroying investor confidence, and leading the business and financial enterprises of this country to the brink of disaster. The decline in security values beginning in October 1929, made clear the pressing need for the establishment and preservation of higher standards of business conduct if the American system of private capital was to survive. State blue sky laws, while most helpful, were found to be inadequate fully to meet the situation not only because of wide variations between States in their approach to this problem, but also because, with financial maturity, State lines were coming to be of less importance, and State authorities were unable to cope with the interstate activities of unscrupulous promoters.

The Securities Act of 1933 was the first of the several so-called securities acts passed by the Congress. Its two principal objectives were, first, to protect investors by requiring adequate and accurate disclosure regarding securities distributed to the public in interstate commerce or by use of the mails, and second, to outlaw fraud in the sale of all securities, whether or not newly issued. The 1933 act was followed in 1934 by the enactment of the Securities Exchange Act, under which the Securities and Exchange Commission was established and which extended regulatory control to stock exchanges and broker-dealers. The next major legislation came in 1935, with the enactment of the Public Utility Holding Company Act. The balance of the securities acts, which are of less immediate interest to this particular group, are the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisors Act of the same year.

While a very large number of other factors are, of course, also responsible for the tremendous expansion in our economy since the dismal days of the thirties there can be no question but that the enactment of the Securities Act of 1933 and the other securities legislation has increased investor confidence and has thereby been of substantial assistance in enabling corporations to secure the vast amounts of capital they have required for their expansion. By 1933, approximately half of the $50 billion of new issues sold to American investors between 1920 and 1933 had become worthless. Since 1933, there have been effectively registered under the Securities Act, corporate securities of an aggregate issue value of about $161 billion. Not all of these securities, of course, are today worth the issue price. Some of them have become worthless and others have increased enormously in value. There have been broad market price fluctuations over the years affecting these values, sometimes up, sometimes down, but there has been no major wholesale devaluation since 1933 to compare, even remotely, with that which took place prior to that time. In fact, many shrewd, observant economists are of the opinion that the securities laws, together with the substantial body of other regulatory legislation now on the books, have served and will serve to prevent any such phenomenon based on anything less than international disaster.

The confidence of investors in corporate investment today is such that new financing records are being made each passing year. The dollar amount of new securities registered with the Commission in the fiscal year ending June 30, 1958, totaled $16.9 billion—the largest amount in the history of the Commission. The number of registration statements filed with the Commission and their value since July 1, 1958, have set new records. We expect that the value figure for the current fiscal year will be $18 billion, and that it will reach $22 billion in fiscal 1960. The number of registrations is currently running about 29 percent over those filed in the comparable period last year.

EXPLAINS HOLDING ACT'S INTENT

The 1933 act was premised on the principle that full disclosure of all pertinent financial data should be made to the prospective investor. The duty of the SEC under this act is only to administer these statutory provisions. It has no power to evaluate any proposed security thereunder, nor to prevent its sale under a properly filed and fully frank registration statement. Strictly speaking, the SEC regulates only the sale of securities under this legislation, not the securities themselves. The Public Utility Holding Company Act of 1935, however, gives the Commission substantial regulatory power over the financial structure and activities of those electric and gas utility holding company systems which come under its jurisdiction. The underlying objective of the 1935 act was to free operating electric and gas utility companies from the control of absentee and uneconomic holding companies, and to permit them to be effectively regulated by the States in which they were operating. At the same time, the 1935 act contemplated the existence of such public utility holding companies as served a useful economic function and whose operations were limited to an integrated system. Such holding companies and their constituent operating companies were, however, to be subject to continued and detailed regulation designed to prevent the recurrence of the abuses which brought about the enactment of this law.

A principal mandate under the 1935 act was to require the physical integration of public utility companies and functionally related properties of holding company systems and to compel the simplification of intercorporate relationship and the financial structures of holding company systems. While most of these problems as they existed at the time of adoption of the act have been resolved, there still remain some important questions which must eventually be faced.

REDEMPTION OF BONDS

The second area of our jurisdiction under the 1935 act covers the financing operations of the residual large holding companies and their subsidiaries, acquisitions, and dispositions of securities and properties, accounting practices, servicing arrangements, and intercompany transactions. It is in this area that we are called upon to determine whether debt securities of utility companies should be freely refundable.

The redemption characteristic of senior securities has been a very much discussed and debated subject for years. I have in the past had occasion to restate the Commission's policy of insisting upon free refundability of such securities. I have been referred to no evidence which would alter our position in this respect and I should like to discuss one or two studies which have been made relatively recently and which I feel give it substantial support.

In order to put our position in proper focus, I should like to point out that our jurisdiction to pass upon these particular provisions of mortgage bond indentures stems only from the Public Utility Holding Company Act of 1935. We have no jurisdiction under this act or under the 1939 act to pass upon such indenture provisions of industrial corporations or of utility companies not subject to the 1935 act. Our jurisdiction under the 1935 act extends, in terms of assets, to roughly one-fifth of the privately owned electric and gas utility industry. A number of provisions of the Holding Company Act give us specific authority to consider the question of free refundability of the senior securities of these companies. All of such provisions must be interpreted in the context of section 1(b) of the act, which declares that the national public interest and the interest of investors and consumers are or may be adversely affected by lack of economies in the raising of capital. We have considered that the act thus directs the Commission to protect the consuming public against the imposition of excessive interest costs, and that it is necessary in order to obtain this result for us to insist that utility bond issues be freely refundable upon the payment of reasonable redemption premiums.

The Commission set forth its position on free refundability in two cases in 1953; Indiana & Michigan Electric Co. (35 S.E.C. 321) and Arkansas Louisiana Gas Co. (35 S.E.C. 313). The positions set forth in those cases were adopted in the statement of policy promulgated by the Commission on Feb. 16, 1956, regarding first mortgage bonds subject to the 1935 act. This statement of policy states in part that "the indenture * * * of the issuer * * * shall provide that the bonds can be called by the [issuer] for redemption at any time upon reasonable notice and with reasonable redemption premiums, if any." You will note that this statement, while it requires a reasonable redemption premium, does not set forth any formula for determining the amount of such premium. The Commission has, however, adopted a rule-of-thumb formula under which the initial redemption price may not exceed the sum of the initial public offering price plus the interest rate. Thus, if bonds are offered to the public at 101 and bear a 5 percent coupon, the initial redemption price may not exceed 106, and the 6-point premium must thereafter be reduced pro rata to maturity.

REFERS TO MOST RECENT STUDY

Those who disagree with our policy of free refundability have advanced a number of arguments in favor of their position. They contend, for example, that an issuer of freely refundable securities is forced to pay higher interest rates in the market than it would have been required to pay if the security had a restriction on refundability. In the nature of things, it is difficult to isolate the evidence which would support or contradict such an argument or, for that matter, any similar argument. There are obviously many factors which enter into the

pricing of any security of which refundability is only one. No two utilities are exactly alike, nor are any two issues identical in all respects. To date, however, the evidence which has been adduced in support of such a statement has not been substantial or convincing. On the other hand, the SEC has conducted certain internal studies which point unmistakably to the conclusion that the interest rate is not significantly affected by the absence or inclusion of a restriction on refundability. This conclusion was recently affirmed by certain studies made under the direction of Dean Willis J. Winn and Prof. Arleigh Hess, Jr., of the Wharton School of Finance and Commerce of the University of Pennsylvania. These analysts stated at the annual meeting of the American Finance Association in Chicago, in December 1958, that data accumulated on corporate bond issues offered between 1945 and 1958 indicated that the presence or absence of the call privilege appeared to have no significant effect on the interest rate.

MARKET ACCEPTANCE ARGUMENT

A second argument made in this debate is that certain large institutional investors do not look with favor on the purchase of freely refundable bonds and that the Commission is, in effect, thus drying up or removing possible sources of capital available to the electric and gas utility industries. If our policy created any visible substantial difficulties with respect to the marketing of senior securities by utility companies, we would, of course, be seriously concerned and would reappraise our policy in the light of such evidence. In an effort to evaluate this contention, the Commission recently directed Mr. J. Arnold Pines, Chief Financial Analyst of our Division of Corporate Regulation, which administers the 1935 act, to make a study of refundable and nonrefundable issues to determine whether in fact there appears to be any significant difference in the marketability of the two types of issues.

In making this study, Mr. Pines secured data on all issues of electric, gas, and utility bonds offered at competitive bidding between May 14, 1957, and November 30, 1958, specifically securing the number of bids which were made for each issue and information as to the market success or failure of the particular issue. A total of 137 issues aggregating $2,956 million were studied. Of this total the refundable issues numbered 109 and represented an aggregate face amount of $2,005 million. The nonrefundable issues, each nonrefundable for a period of 5 years, numbered 28 and totaled $951 million. While, as I have pointed out, a number of factors other than callability can affect the number of bids received and the market success of the particular issue, there is, statistically, a tendency for such factors to cancel out in a study of a relatively large number of issues. The median number of bids on both the refundable and nonrefundable issues represented was four for each group. The weighted average number of bids received on the refundables was 4.46, while that on nonrefundables was 4.11. In evaluating the marketing success of the particular issues, an issue was termed successful if at least 95 percent of the issue was sold at the syndicate price. On this basis, 75.2 percent of the 109 refundable issues were successful and 75 percent of the 28 nonrefundable issues were successful. We believe that the only possible conclusion is that there is no significant difference between the market acceptance of refundable and nonrefundable issues, and that call privileges do not raise any serious impediment to the securing of capital by private utility companies.

I asked Mr. Pines to review certain issues of western utility companies in the past 6 months since his previous study was completed to see whether there appeared to be any significant evidence as to marketing results. He found six such issues put out by western issuers, of which two were refundable and four had a 5-year restriction on refundability. Of the four nonrefundable issues, three were successfully marketed by the selling syndicate. The selling syndicate on the fourth issue was broken up with less than one-third of the issue sold. With respect to the two refundable issues, one was successfully sold and the syndicate on the other was terminated with 20 percent unsold. While no far-reaching conclusions can be made on the basis of a study of such limited data covering a relatively short period of time, this evidence of market performance would appear to be in accord with the previous study, and shows no significant difference between the market acceptance of refundable as against nonrefundable issues.

WHAT ABOUT THE INVESTOR?

Finally, one of the arguments we hear most often in opposition to the policy of the Commission is that it provides a "one-way street" in favor of consumers only and that it disregards the rights of investors. It is true that this particular provision favors the utility and its consumers, consistently with the expressed policy of Congress in adopting the 1935 act. It seems to us, however, that the investor has a certain duty in these premises, and that this argument takes this portion of the statement of policy out of context and overemphasizes its importance and effect. The statement of policy contains many provisions other than those which relate to refundability and which either give additional rights to or serve to protect existing rights of investors. For instance, it contains certain restrictions against the issuance of additional bonds, and provides for sinking and improvement funds, and for renewal and replacement funds. It provides further for restrictions on the declaration of dividends. All of these requirements provide substantial protection to the investor. In short, in drafting this statement, the SEC did not favor either the investor over the consumer or vice versa, but rather sought to protect the interest of each in accordance with the policies declared in the act.

At the time I first publicly discussed this situation about a year ago, I felt it proper to suggest to the State Public Utility Commissions that the adoption of a parallel policy in dealing with local issuing utilities might be of mutual benefit. I still feel this way, and urge reconsideration of the policies of such of your agencies as do not comport with our statement in this regard. If there is universal acceptance of this viewpoint as between the Federal and the local agencies acting within the orbits of their respective jurisdictions, it seems patent to me that much of whatever validity there may be in the contentions of those who advocate redemption freezing provisions will be negated. In the presence of the current increasingly high interest rates, it seems quite clear that such a cooperative program can have no result except to benefit the ultimate consumer in the rates which he will be required to pay for utility service.

DEFERRED TAX ACCOUNTING

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LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. GRANAHAN (at the request of Mr. BYRNE of Pennsylvania), for Wednesday, June 24, 1959, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. REUSS, for 60 minutes, on Monday next.

Mr. FOGARTY, for 15 minutes, today, and to revise and extend his remarks.

Mr. O'HARA of Illinois, for 40 minutes, today, and to revise and extend his remarks.

Mr. MOORHEAD, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. VANIK, to vacate the special order he had for today and to address the House for 10 minutes on Monday next.

Mrs. ROGERS of Massachusetts, for 10 minutes, on Tuesday next, June 30, 1959, to revise and extend her remarks and to include certain material from the State Department.

Mr. JOHNSON of Colorado, for 30 minutes, on Monday next, June 29, 1959.

Mr. BARR (at the request of Mr. GRAY), for 30 minutes, on Monday next, June 29, 1959.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. LANE.

Mr. BURKE of Massachusetts and to include extraneous matter.

Mr. SANTANGELO.

Mr. PELLY and to include extraneous matter.

The following Members (at the request of Mr. MOORE) and to include extraneous matter.

Mr. DERWINSKI.

Mr. BATES.

The following Member (at the request of Mr. GRAY) and to include extraneous matter.

Mr. ZELENKO.

ADJOURNMENT

Mr. McFALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 15 minutes p.m.) the House, pursuant to its previous order, adjourned until Friday, June 26, 1959, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1130. A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay claims for damages and judgments rendered against the United States, as provided by various laws, in the amount of $198,675, together with such amounts as may be necessary to pay indefinite interest and costs (H. Doc. No. 185); to the Committee on Appropriations and ordered to be printed.

1131. A communication from the President of the United States, transmitting a report on the organization and administration of the military assistance program, submitted to the President on June 3, 1959, by the President's Committee To Study the United States Military Assistance Program (H. Doc. No. 186); to the Committee on Foreign Affairs and ordered to be printed.

1132. A letter from the Assistant Secretary of Defense (Properties and Installations), transmitting with reference to a letter dated January 26, 1959, relative to our approval of a Naval Selected Reserve project for the restoration of a pier facility at Baltimore, Md., pursuant to Public Law 85-685; to the Committee on Armed Services.

1133. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled "A bill relating to the disposition of coconut oil from the national stockpile under the Strategic and Critical Materials Stock Piling Act"; to the Committee on Armed Services.

1134. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of our report of operations for the calendar year 1958, pursuant to section 17(a) of the Federal Deposit Insurance Act; to the Committee on Banking and Currency.

1135. A letter from the Secretary of the Treasury, Cochairman, Joint Federal-State Action Committee, relative to endorsing the legislation embodied in S. 1617 and H.R. 5785, dealing with legislative jurisdiction over Federal lands within the States; to the Committee on Government Operations.

1136. A letter from the Assistant Secretary of the Interior, relative to a loan of $1,425,000 on a project estimated to cost $1,675,000 to construct Hernandes Dam on the San Benito River, Calif., pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AVERY:

H.R. 7937. A bill to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER:

H.R. 7938. A bill relating to the tax on certain transportation of coal to the Tennessee Valley Authority; to the Committee on Ways and Means.

H.R. 7939. A bill to provide a temporary increase in the tax on gasoline and special fuels to provide additional revenue for the highway trust fund; to the Committee on Ways and Means.

H.R. 7940. A bill relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association; to the Committee on Ways and Means.

By Mr. BALDWIN:

H.R. 7941. A bill amending the act of February 20, 1931, as amended, with respect to a rail transit crossing across the bay of San Francisco; to the Committee on Public Works.

By Mr. DERWINSKI:

H.R. 7942. A bill to repeal the tax on transportation of persons; to the Committee on Ways and Means.

By Mr. DURHAM:

H.R. 7943. A bill to authorize the Coast Guard to accept, operate and maintain a certain defense housing facility at Yorktown, Va., and for other purposes; to the Committee on Armed Services.

By Mr. FOGARTY:

H.R. 7944. A bill to provide for the registration of crew leaders in interstate agricultural employment, and for other purposes; to the Committee on Education and Labor.

By Mr. HOLT:

H.R. 7945. A bill to amend section 314 of title 38, United States Code, to provide that an aid and attendance allowance shall be paid to certain seriously disabled veterans during periods in which they are not hospitalized at Government expense; to the Committee on Veterans' Affairs.

H.R. 7946. A bill to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. IKARD:

H.R. 7947. A bill relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association; to the Committee on Ways and Means.

By Mr. KLUCZYNSKI:

H.R. 7948. A bill to declare nonnavigable a part of the west arm of the South Fork of the South Branch of the Chicago River situated in the city of Chicago in the State of Illinois, as hereinafter described; to the Committee on Interstate and Foreign Commerce.

By Mr. MAILLIARD:

H.R. 7949. A bill amending the act of February 20, 1931, as amended, with respect to a rail transit crossing across the bay of San Francisco; to the Committee on Public Works.

By Mr. MASON:

H.R. 7950. A bill to amend the Internal Revenue Code of 1954 to equalize taxation among financial institutions, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEM MILLER:

H.R. 7951. A bill amending the act of February 20, 1931, as amended, with respect to a rail transit crossing across the bay of San Francisco; to the Committee on Public Works.

By Mr. MILLS:

H.R. 7952. A bill to amend title II of the Social Security Act to effectuate recommendations made by the Advisory Council on Social Security Financing with respect to the investment of the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund; to the Committee on Ways and Means.

By Mr. MOELLER:

H.R. 7953. A bill to amend the act of January 12, 1895, to regulate and restrict the printing of certain extraneous matter in the CONGRESSIONAL RECORD, and to limit the number of insertions of extraneous matter in the Appendix of the CONGRESSIONAL RECORD; to the Committee on House Administration.

H.R. 7954. A bill for the establishment of a Commission on a Department of Science and Technology; to the Committee on Government Operations.

By Mr. OSTERTAG:

H.R. 7955. A bill to amend title III of the act of March 3, 1933, with respect to the acquisition by the United States of articles, materials, and supplies for public use; to the Committee on Public Works.

By Mrs. PFOST:

H.R. 7956. A bill to quiet title to certain lands within the Nez Perce Indian Reservation, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. POWELL:

H.R. 7957. A bill to provide for the establishment of a Federal Voter Registration Commission to provide, in certain instances, for the registration of citizens of the United States for the purpose of voting in Federal and State elections, and for other purposes; to the Committee on House Administration.

H.R. 7958. A bill authorizing appropriations for the operation of public schools in the several States which would otherwise be closed by State action intended to prevent compliance with certain orders of courts of the United States; to the Committee on Education and Labor.

By Mr. RIEHLMAN:

H.R. 7959. A bill to amend the Internal Revenue Code to assist small and independent business, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Texas (by request):

H.R. 7960. A bill to amend the Interstate Commerce Act to remove certain restrictions as to persons who may engage in the business of a motor carrier and upon the issuance of certificates or approvals for engaging in such business or acquiring control of another engaged therein, so that all modes of transportation may have equal opportunity; to the Committee on Interstate and Foreign Commerce.

H.R. 7961. A bill to amend the Civil Aeronautics Act to remove certain restrictions as to persons who may engage in the business of an air carrier and upon the issuance of certificates or approvals for engaging in such business or acquiring control of another engaged therein, so that all modes of transportation may have equal opportunity; to the Committee on Interstate and Foreign Commerce.

H.R. 7962. A bill to amend the Interstate Commerce Act to remove certain restrictions as to persons who may engage in the business of a water carrier and upon the issuance of certificates or approvals for engaging in such business or acquiring control of or an interest in another so engaged so that all modes of transportation may have equal opportunity; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERER (by request):

H.R. 7963. A bill to provide a temporary 1½-cent increase in the tax on gasoline and the tax on diesel fuel and special motor fuels used in highway vehicles; to the Committee on Ways and Means.

By Mr. SIMPSON of Pennsylvania:

H.R. 7964. A bill to facilitate management of the public debt, to permit the Secretary of the Treasury to designate certain exchanges of Government securities to be without recognition of gain or loss for income tax purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 7965. A bill to amend section 612 of title 38, United States Code, to authorize outpatient treatment incident to authorized hospital care for certain veterans; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 7966. A bill to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions; to the Committee on Veterans' Affairs.

By Mr. TOLL:

H.R. 7967. A bill to amend the act of July 5, 1946, so as to prohibit the sale in the United States of articles of foreign manufacture bearing certain trademarks, and for other purposes; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 7968. A bill relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association; to the Committee on Ways and Means.

By Mr. VINSON:

H.R. 7969. A bill to amend title 10, United States Code, to permit members of the Armed Forces to accept awards, fellowships, or grants; to the Committee on Armed Services.

By Mr. YOUNGER:

H.R. 7970. A bill amending the act of February 20, 1931, as amended, with respect to a rail transit crossing across the bay of San Francisco; to the Committee on Public Works.

By Mr. BARING:

H.J. Res. 438. Joint resolution expressing the sense of the Congress with respect to a sound national minerals policy, and directing the Secretary of the Interior to take certain action in furtherance of such policy; to the Committee on Interior and Insular Affairs.

By Mr. BLATNIK:

H. Con. Res. 227. Concurrent resolution expressing the sense of Congress in regard to United Nations Charter revision, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COLLIER:

H. Con. Res. 228. Concurrent resolution expressing the sense of Congress in regard to United Nations Charter revision, and for other purposes; to the Committee on Foreign Affairs.

By Mr. THOMSON of Wyoming:

H. Con. Res. 229. Concurrent resolution to accept the statue of Esther Morris for placement in Statuary Hall; to the Committee on House Administration.

H. Con. Res. 230. Concurrent resolution to place temporarily in the rotunda of the Capitol a statue of Esther Morris; to the Committee on House Administration.

H. Con. Res. 231. Concurrent resolution to print proceedings of the presentation and acceptance of the statue of Esther Morris for placement in Statuary Hall; to the Committee on House Administration.

By Mr. JONES of Missouri:

H. Res. 307. Resolution to amend rule XXII of the Rules of the House of Representatives so as to discontinue printing identical House bills and resolutions; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alabama, memorializing the President and the Congress of the United States relative to expressing appreciation for naming the new lock and dam under construction at Columbia, Ala., after Hon. GEORGE W. ANDREWS; to the Committee on Public Works.

Also, a memorial of the Legislature of the State of Alabama, memorializing the President and the Congress of the United States relative to requesting enactment of the bill H.R. 6671, to amend title II of the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN:

H.R. 7971. A bill for the relief of Antonino Miosi Castronovo; to the Committee on the Judiciary.

By Mr. COHELAN:

H.R. 7972. A bill for the relief of Betty Michiko Kameshima Gudnason; to the Committee on the Judiciary.

By Mr. HOLT (by request):

H.R. 7973. A bill for the relief of Mrs. Masa Shimotsuma; to the Committee on the Judiciary.

By Mr. MERROW:

H.R. 7974. A bill for the relief of Ionnis Stravou Papadopoulos; to the Committee on the Judiciary.

By Mr. MEYER:

H.R. 7975. A bill to authorize and direct the sale or lease of certain land in Vermont to John C. Grindlay, of East Jamaica, Vt.; to the Committee on Public Works.

By Mr. ROGERS of Colorado:

H.R. 7976. A bill for the relief of S. M. Esler; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 7977. A bill for the relief of Augustin Ramirez-Trejo; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

An Interview With Senator Humphrey

EXTENSION OF REMARKS
OF
HON. EUGENE J. McCARTHY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Wednesday, June 24, 1959

Mr. McCARTHY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an interview with the senior Senator from Minnesota [Mr. HUMPHREY] by Courtney Sheldon, and published in the Christian Science Monitor of June 10, 1959.

The exchange demonstrates the keenness of mind of the senior Senator from Minnesota. I think the Senate will find his comments most edifying.

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

NEW TACTICS TO WIN OBJECTIVES—A CAPITAL INTERVIEW WITH SENATOR HUBERT H. HUMPHREY

(By Courtney Sheldon)

(Third in a series of interviews on Capitol Hill to record the viewpoints of Senators SYMINGTON, KENNEDY, and HUMPHREY, each of whom is generally considered a serious prospect for the Democratic presidential nomination in 1960.)

WASHINGTON.—Minnesota Senator HUBERT H. HUMPHREY, once a college professor in political science, twice elected mayor of Minneapolis, and now a leader of the northern, liberal wing of his party and the possible choice of that faction for the Democratic presidential nomination next year:

Believes that a Soviet move toward an acceptable nuclear test ban agreement is one of the things that Khrushchev will make at a summit conference.

Recommends that the United States program its farm production 5 to 10 years in advance to help underdeveloped countries improve their diets and feed their hungry.

"What issues do you feel the Democrats should concentrate on in 1960, Senator HUMPHREY?"

"Well, I think you will find that issues will vary in different areas of the country. In my part of the country, the utter failure of this administration's agriculture policy will still be an issue, for example.

"A countrywide issue will be the failure of the administration to really plan economic growth. Now here is a difference, I think, between liberal Democrats and Republicans. Some of us believe in the broad outlines of national planning for economic growth.

"I believe, for example, that we can't leave things to the accident of chance. I think that in the light of the kind of competition we are facing internationally from Soviet communism we have to make better use of our resources.

"There are some limits to them and they ought to be programed and utilized. At the same time we must provide the widest opportunity for individual decision within that great national plan. We do, however, need goals to strive for—objectives to accomplish."

"Now on international affairs what issues of consequence do you anticipate?"

"Well, here the Republicans take fixed positions and try to hold them without getting into the field of maneuver and using new tactics to win objectives.

"We haven't won anything. We have been lucky to hang on. The same administration that tried to repudiate the doctrine of containment, which we had for a period after the Soviets were pressing so hard in Western Europe, has embraced containment even more than the previous administration.

"It has been incapable of understanding the social revolution that is going on in the world. Conservative government, by its nature, tends to embrace the status quo. It approaches change with fear and timidity."

"Would you favor more or fewer periodic summit meetings just to exchange views?"

"I would favor more. I wish we could make these summit meetings a little less of a circus or bazaar. Meetings of heads of state would be better if there were not quite so much headline attention until something was done."

"You favor more contacts with the Soviets all along the line, such as yours with Khrushchev?"

"I wish you could see the volume of letters that comes everytime any American, including myself, meets with the Soviets. You'd think that somehow or other we were going to catch political leprosy.

"It seems to me we have more to gain from meeting with them than they have from meeting with us. And I enjoy the idea of intellectual competition, as well as political and psychological competition.

"I like to have the opportunity of telling the Soviets a little about the way of our life, and doing it in a friendly and polite manner, and I think it is a good idea for them to see our country. They live under gross misconception as to what American life is all about. This misconception could lead to dangerous miscalculations."

"Do you feel that we have gone too far or not far enough in our efforts to the Soviets on a nuclear test ban agreement?"

"I really believe that in the past few months we have been very sincere and have gone quite a way with the Soviets on a policy of trying to reconcile differences. I had a feeling in January that maybe we were being a little too stiff. That has been changed.

"While bringing to the attention of the Geneva delegations the new scientific data, we have demonstrated a willingness to adapt ourselves to this new material and to give the Soviets an opportunity to join with us in further scientific research for better means of inspection.

"I hope the Soviets will come around ultimately and I think they will. I believe this is one of the things that Khrushchev will do at a summit conference."

"If that did not come about, would you favor unilateral banning of atmospheric tests?"

"Yes. Atmospheric tests, I would. I believe we have nothing particularly to gain in atmospheric tests militarily and we have a great deal to lose, both psychologically and possibly in health.

"We can do these tests underground. We can do them at extraordinarily high altitudes which is a much safer process from a human health point of view."

"Now on the farm problem, is there really any feasible long-range solution?"

"A sound national agricultural policy must be based on expanded soil conservation; adequate farm credit; continued research not only in production but in uses of food and fiber; a price support or income protection system designed to aid the family farm production pattern—with definite ceilings on the total of commodity loans or payments to any one farm producer.

"Farm price supports should be extended only when farmers accept production and marketing controls; there should be no supports for products or producers who fail to comply with necessary production regulations.

"And finally the means of income protection or price supports should be varied—whatever works best for any commodity or producer. By this I mean the Secretary of Agriculture should be authorized to use crop loans, compensatory payments, purchases, extended credit, and even retirement of unneeded acres.

"Production plans must include not only the domestic and normal export needs, but also food and fiber for strengthening our foreign policy in the food deficit areas, plus food for the needy at home—possibly the use of food stamps for those on social security plus others who receive all too inadequate allowances.

"I believe that this Nation would be better served by an agriculture of smaller units. I suggest that we look upon this production of food and fiber as a great economic asset in the cold war and that we utilize it as part of a definite international economic aid program; that we work with the underdeveloped countries and see what their food deficits are, and then start to help these countries improve their diets and feed their hungry.

"This programing of farm production for international use should be done 5 to 10 years in advance so that the recipient nations and our farm people can plan on it."

American Export Lines Cited for Excellence in Maintenance of Sanitation by the U.S. Public Health Service

EXTENSION OF REMARKS
OF
HON. HERBERT ZELENKO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 24, 1959

Mr. ZELENKO. Mr. Speaker, excellence in the maintenance of sanitation is worthy of widespread approval and is particularly noteworthy when it affects the transportation facilities which are in constant use by the general public. Such a development has recently occurred in the citation by the Surgeon General of the Public Health Service to the American Export Lines, of New York City, for the fourth consecutive year.

The award is based upon the inspection during the last calendar year of each of the 28 vessels operated by the American Export Lines which earned a rating of 95 or better on the official Health Service inspection including no less than 166 separate items of sanitary construction and maintenance. Most significant is the fact that similar citations to American Export Lines were awarded in 1956, 1957, and 1958.

The presentation of the citation was made by Mark D. Hollis, Assistant Surgeon General, to L. S. Andrews, vice president in charge of operations, during ceremonies on one of the company's vessels in Hoboken, N.J. Joseph B. O'Connor, regional director of the Department of Health, Education, and Welfare, gave formal approval to the award.

Mr. Frazer Bailey, one of the best known and mostly highly respected executives of the maritime industry, is managing director of Export.

Included in the fleet of this company are two passenger carriers, the SS *Independence* and the SS *Constitution*.

Ships of American Export Lines call at ports on the U.S. North Atlantic coast, the Mediterranean, Black Sea, Red Sea, north Africa, India, Pakistan, Ceylon, and Burma.

Jewish War Veterans—M.D.R. District Council Memorial Service, May 31, 1959

EXTENSION OF REMARKS
OF
HON. JAMES A. BURKE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 24, 1959

Mr. BURKE of Massachusetts. Mr. Speaker, on Sunday, May 31, 1959, memorial services were conducted in the name of the Mattapan, Dorchester, Roxbury District Council, Jewish War Veterans of the United States. It was my privilege to be the principal speaker at these exercises. To me it was a dual honor because the Honor Veteran of 1959 selected by the district council was Robert A. Carpenter, who was killed in action during the battle of Leyte. The Carpenter family were my neighbors in the Mattapan section of Boston, Mass.

JEWISH WAR VETERANS OF THE U.S.A., M.D.R. DISTRICT COUNCIL MEMORIAL SERVICE, MAY 31, 1959

Raising of colors: "Star-Spangled Banner."

COMMANDER. In the name of the Mattapan, Dorchester Roxbury District Council, Jewish War Veterans of the United States, I summon all comrades within hearing to join in reverent tribute to our departed comrades, whose names remain forever on our rolls. Though their faces have vanished from our midst, they will abide with us through the precious memories we retain. They still guide and direct our actions, through the inspiring examples of patriotism and manly performance of duty, which they have provided.

To our comrades who surrendered their lives on the battlefield, in the hours of our Nation's greatest peril, we pay the highest measure of tribute. We likewise here honor all our comrades who wore the uniform of the United States, who returned to safety to serve their Nation in peace as in war, and were then called to their eternal rest.

One of the chief objects of the Jewish War Veterans of the United States is, "To honor the memories of our heroic dead and shield their graves from neglect."

Comrades, let us pray for the eternal peace of those who have departed. To those who have honored us in life and in death, let us pay a full measure of our loyal devotion. And let us here highly resolve to dedicate our own strength and lives to the ideals of democratic freedom for which they gave their utmost.

CHAPLAIN. Lord, Thou has been our refuge in all generations. Before the mountains were brought forth, before Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God.

But man Thou turnest into dust and sayest, "Return unto me, all you children of men." Man is like grass which flourisheth and groweth up in the morning, but in the evening is cut down and withereth.

We bring our years to an end as a tale that is told. Teach us to number our days that we may get us a heart of wisdom.

Let Thy work appear unto Thy servants and Thy glory upon their children. And let the grace of the Lord, our God, be upon us.

COMMANDER. We are here to pay tribute to the many heroes of all races, and of all creeds, who in their lifetime rendered patriotic service to our country. Let us bow our heads and let our voices be hushed in memory of every American soldier, sailor and marine who made the supreme sacrifice in the defenses of our Nation.

CHAPLAIN. Lord, our God, Thou who art our inspiration in life, Thou who givest comfort and consolation in death, we pray this day that Thou mayest send Thy comforting influence into the homes which are marked by the gold star of bereavement. To the widows and orphans of all who have fallen in defense of our Nation's ideals; to the parents, the brothers and sisters; to all who were deprived of their dear ones, through the devastation of war, grant Thy Divine consolation.

We pray Thee, O our God, that the spirit of patriotism may abide with us strongly in peace as in war; that the service rendered America by us, the living sons and daughters of Israel, may be as eloquent and challenging as the sacrifices of our brethren who gave their lives in battle.

Bless America and the world with peace, that there may be no further need for the instruments of war. Let all the Nations beat their swords into plowshares and their spears into pruning. Let them learn war no more. Give all mankind such understanding and counsel, that living together in peace and in harmony, they may promote their mutual welfare and perpetuate the ideals of our Nation.

Let us in 1 minute of silence, recall our own precious memories of departed comrades, and each speak in his own heart the prayer that loving memory calls forth.

One minute of silence. And may their souls rest in peace.

Chairman ALBERT SCHLOSSBERG. Congressman Burke, Cantor Kischel, Commander Cohen, distinguished guests, ladies and gentlemen, it is indeed a great pleasure for me, as chairman of this Memorial Day service, to welcome you and extend to you the thanks of the officers and members of the Mattapan, Dorchester, Roxbury District Council, Jewish War Veterans of the U.S.A., for your participation in this annual Memorial Day observance. We of the Jewish War Veterans of the U.S.A. deem it a sacred duty to honor the memory and shield from neglect the graves of our heroic comrades. We join in honoring the memory of all men and women, who died in the service of our beloved country, without regard for their race or creed. We welcome, in addition to the guests who will address you this morning, Mr. Melvin R. Lubin, commander of the New England Region No. 1, Jewish War Veterans of the U.S.A., Messrs. Bernard Julius and Jack Smith, past commanders of the M.D.R. District Council, J.W.V., and Mr. Joseph Carpenter, brother of the "Honor Veteran" of 1959.

We are indeed fortunate to have, as our principal speaker, a resident of my own hometown, Milton, Mass., and currently representing the 13th Massachusetts District, having been elected to the 86th Congress in November 1958. Our distinguished guest was registrar of vital statistics for the city of Boston under the late Mayor Maurice J. Tobin. For 10 years our guest served in the Massachusetts Legislature, 4 years of which he served as assistant majority leader to the then speaker of the house, Congressman THOMAS P. O'NEILL, JR. He was house chairman of the World War II Veterans Problems and Korean Veterans Commission. During World War II Congressman BURKE was a special agent in the military intelligence, attached to the 77th Infantry Division in the South Pacific. Ladies and gentlemen, our distinguished guest, Congressman JAMES A. BURKE.

Congressman JAMES A. BURKE. Mr. Chairman, members of the Jewish War Veterans of the U.S.A., ladies and gentlemen: Memorial Day, with its sad and sacred memories, has come again. This is a day consecrated to the fighting men of the United States who gave their lives in the honor of our country. Their precious memories are clustered about us for they have not left us—they live as does our country, the leader of the free world against communism.

Almost a century ago when the great Civil War became a part of our history in which thousands of lives were lost to protect our heritage and billions of dollars were spent to preserve the life we know today the United States emerged without dismemberment.

Today the great struggle between slavery and freedom has passed from our national scene and those whose families were broken and separated are now reunited as brothers and fellow citizens of the United States of America.

Thus it is those who sacrificed their lives and died in the struggle of the Civil War and the wars since to protect the honor and heritage of the United States should be remembered on this day.

Yet with all of our sacrifice we today are leaders of the free world in a fight against communism which has the theory to destroy, and batter our great country into submission.

We all know this—despite the fact we today are honoring our men and women who sacrificed their lives so that this country might live and be nourished in the lives of free men.

All the pomp and ceremony, the sighs and supplications, the eulogy and tribute of today can weigh naught with voiceless lips and hearts that are long since still.

The import and value of this Memorial Day stand only insofar as we, the men and women upon whose shoulders rest the burden and duties of the present hour, realize and remember the principles for which they have fought, and each for himself resolves that the light shall not be dimmed, that the effort they put forth shall not have been in vain.

Although this day was originally set aside in memory of the departed comrades of the Civil War, it has now so developed itself as to embrace a nationwide tribute to all those heroes who have laid down their lives or fought for our country and have now passed to their reward.

So when the time comes for us to pass on to those who shall succeed us that which they whose memory we honor today fought and conserved for us we can truly say in the words of Kathryn Lee Bates in the mighty lines of "America, the Beautiful"

O beautiful for patriots dream
That see beyond the years
Thine alabaster cities gleam
Undimmed by human tears.

And because it is a holy and wholesome thought to pray for the dead, may it please almighty God that "they rest in peace."

Thank you.

Chairman SCHLOSSBERG. Officer of the day, you will escort to the memorial, Mr. Joseph Carpenter, brother of our honor veteran, Robert A. Carpenter, for the placement of the memorial wreath:

The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures; He leadeth me beside the still waters. He restoreth my soul; He leadeth me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil; for Thou art with me; Thy rod and Thy staff, they comfort me. Thou preparest a table before me in the presence of mine enemies; Thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life; and I will dwell in the house of the Lord forever."

Let us all rise for the traditional memorial and Kaddish prayer to be chanted by Cantor Irving Kischel, of Temple Shalom, Milton.

EL MOLEY RACHAMIM

"O God, who art full of compassion, who dwellest on high, grant perfect rest beneath the shelter of Thy divine presence, in the exalted places among the holy and pure, who shine as the brightness of the firmament, to all those who have gone to their eternal home, the piety of whose life forms the subject of our meditation today. We beseech thee, Lord of compassion, shelter them evermore under the cover of Thy wings, and let their souls be bound up in the bond of life, and may they repose on their resting places, and let us say, Amen."

OFFICER OF THE DAY. Firing squad, prepare to fire three volleys. Comrades, present arms.

Detachment from Headquarters, First Naval District, fires three volleys. Bugler sounds taps.

Order arms.

Closing remarks by Mr. Samuel Cinamon, commander, Department of Massachusetts, Jewish War Veterans of the U.S.A.

Military Justice

EXTENSION OF REMARKS
OF

HON. ALFRED E. SANTANGELO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1959

Mr. SANTANGELO. Mr. Speaker, a great deal of confusion exists in connection with my amendment to bar defense contractors from receiving funds under the defense appropriation bill if defense contractors hire retired military or naval personnel above the rank of colonel who have been connected with the service within the last 5 years.

Several people believe that present law adequately provides against undue influence. Others claim military regulations cover the situation and no legislation is necessary. The facts belie the assertions. It is apparent that while there are statutes seemingly affecting the situation of undue influence on former subordinates and friends by retired officers, the enforcement of the statutes are ineffective and are being used in insignificant areas. Just laws and just regulations apply to the powerful and weak alike. It is no answer to enforce them against the lowly and the insignificant while doing nothing with respect to the mighty. I quote the applicable statutes.

First, 10 U.S.C. 6112(b) (1956):

If a retired officer of the Regular Navy or the Regular Marine Corps is engaged for himself or others in selling, or contracting or negotiating to sell, naval supplies or war materials to the Department of the Navy, he is not entitled to any payment from the United States while he is so engaged.

Second, 67 Stat. 437, 5 U.S.C. (Supp. IV) 59c (1953):

No payment shall be made from appropriations in any act to any officer on the retired lists of the Regular Army, Regular Navy, Regular Marine Corps, Regular Air Force, Regular Coast Guard, Coast and Geodetic Survey, and Public Health Service for a period of 2 years after retirement who for himself or for others is engaged in the selling of or contracting for the sale of or negotiating for the sale of to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service any supplies or war materials.

The distinction between these two statutes should be carefully noted. The first act applies (a) only to retired officers of the Regular Navy and Regular Marine Corps, (b) as long as they hold their retired status, (c) who, for themselves or others, sell, contract or negotiate for the sale of naval supplies or war materials to the Navy Department. The second statute applies (a) to retired regular officers of all Armed Forces—and other listed Government departments—(b) only for a period of 2 years after retirement, (c) who, for themselves or others, sell, contract or negotiate for the sale of any supplies or war materiels to the specified Government departments—including the Department of Defense. Neither statute applies to reserve officers; and it appears that neither statute applies to retired permanent enlisted personnel, advanced to commissioned rank on the retired list under the provisions of 10 U.S.C. 6151(1956).

Title 18, chapter 15, section 281, provides for a fine of $10,000 or a prison sentence for whoever being the head of a department, or other officer or employee of the United States or any department or agency thereof, directly or indirectly receives or agrees to receive any compensation for any services rendered or to be rendered by himself or another, in relation to any matter in which the United States is a party or directly or indirectly interested, before any department, agency, court martial, officer, or any civil, military, or naval commission.

The next section of 281 reads as follows:

Retired officers of the Armed Forces of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status.

In the enforcement of the foregoing provisions, there is much to be desired.

A recent article by a newspaper man, Jack Steele of the Washington Daily News, demonstrates the inadequacy of present laws and regulations and its ridiculousness in its application. I set forth the article, which is self-explanatory and imposes several questions:

NAVY RETIREE LOST PAY FOR SUPPLYING BEER, BUT 720 OTHERS HOLD JOBS WITH DEFENSE FIRMS

(By Jack Steele)

A retired Navy lieutenant commander recently was forced to forfeit his retirement pay during an 8-month period in which he allegedly sold beer to officers' clubs and ships' stores.

This is the only recent case uncovered by investigators for a House Armed Service Subcommittee in which a retired military officer has been penalized or prosecuted for representing a defense contractor or supplier.

It was cited today by Chairman F. EDWARD HÉBERT, Democrat of Louisiana, to illustrate the "incongruity" and "fuzziness" of present laws and regulations covering the employment of retired officers by munitions makers.

SEVEN HUNDRED AND TWENTY-ONE IN JOBS

The Defense Department reported last week that 721 high-ranking retired officers hold big-paying jobs with 88 major munitions and missile firms—each with defense contracts running into many millions.

None apparently is in danger of losing his retirement pay, since these retired generals and admirals are not technically engaged in "selling" to the Defense Department.

The low-ranking Navy officer who did lose his retirement pay temporarily was Lt. Comdr. Ronald Anthony. He retired July 1, 1957, and soon thereafter took a job with the Hoffman Cigar Co., of Norfolk, Va., which also was a sales agency for Budweiser beer.

Lieutenant Commander Anthony argued that he was engaged in sales promotion and public relations in pushing the beer to officers' clubs, Navy exchanges and ships' stores in Norfolk. He insisted that he did not actually sell or negotiate sales of the beer.

RULING

But the Navy's Judge Advocate General asked the General Accounting Office for a ruling on his case.

Comptroller General Joseph Campbell ruled last January 6 that Lieutenant Commander Anthony had to forfeit his Navy retirement pay for about 8 months while he held this beer-selling job.

Mr. Campbell based his ruling primarily on a rider to a 1956 appropriation bill which bars retirement pay for Navy and Marine officers while they are engaged in "selling, or contracting or negotiating to sell, naval supplies or war materials" to the Navy.

This law, which has no time limitation, does not apply to Army or Air Force officers.

An earlier (1953) law bars retirement pay for officers of any service if they engage in selling military supplies or war materials within 2 years after their retirement.

QUESTION

But the big question these laws pose is: What constitutes selling?

This was conceded yesterday by Navy Secretary William B. Franke in a TV interview with Represenative HÉBERT.

Mr. Franke noted that the law covering retired Navy officers is more stringent than that which applied to Army and Air Force officers.

He suggested that all military officers who retire should observe some time lag before they take jobs with defense contractors. But he did not say whether this should apply only to selling jobs.

The HÉBERT subcommittee is expected to open hearings on the problems created by retired officers working for defense contractors in a couple of weeks.

We eagerly await the hearings to be conducted by Representative HÉBERT.

Twenty-fifth Anniversary of FHA

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1959

Mr. DERWINSKI. Mr. Speaker, rarely has a Government agency served as practical a purpose compatible with the traditional American private enterprise system as has the Federal Housing Administration. This week on June 27 we are commemorating the 25th anniversary of the existence of the FHA, and I should like to call to the attention of the Members of Congress some pertinent facts in its history and its future.

The fundamental concept of the FHA is that it strengthens private institutions through enlightened Government cooperation rather than through the approach to direct Government lending as advocated by many who lack faith in American private financial institutions. In its 25 years, the FHA has been instrumental in the expansion of American home ownership and has materially contributed to all facets of home construction and home financing.

Another important point is that it is a fully self-sustaining institution with sufficient reserves at this time to weather any anticipated economic storm. It stands today without debt to the taxpayer—a rare thing in this day and age of excessive squandering of public funds.

The FHA has been one of the few governmental institutions that has maintained its original objective over the years and has rarely deviated from its policy of financial soundness.

Obviously, an operation as large as FHA cannot claim perfect administration, but I can say truthfully it has fewer critics in proportion to its activities than any other governmental agency of which I can think.

I, personally, object to the increasing paternalism in the operation of the FHA and its assumption of many responsibilities which should be left to lending institutions, builders, or borrowers themselves. Over the years, existing for the most part under the socialistic New Deal regimentation, it is not surprising that the FHA has acquired a degree of bureaucratic redtape that should be removed as soon as possible.

The future indicates that the FHA will continue to serve a constant area in the field of home financing. While repeating my conviction and faith in its principles and in the sincerity of its administrators, I feel it must undergo drastic modification since its present complex structure and cumbersome procedures may be poorly adapted to the challenges of the future.

Numerous private organizations and institutions, which over the years have had close association with the FHA, have made recommendations as to the improvement of its operation to produce simplicity, flexibility, and improved operation.

As a member of the House Banking and Currency Committee, I will certainly devote my time and energy to cooperating with the agency and American private enterprise in an effort to provide maximum possible utility of the FHA with a minimum of redtape and bureaucratic impediments.

There is no reason for lack of confidence in the future if we continue to expand the investment of American families in their own homes, since an obvious irrefutable fact is that home ownership is one of the basic safeguards of American liberties.

Raymond V. McNamara

EXTENSION OF REMARKS
OF
HON. WILLIAM H. BATES
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1959

Mr. BATES. Mr. Speaker, I wish to call to the attention of the House, the retirement of a very distinguished and able postmaster in Haverhill, Mass., Mr. Raymond V. McNamara. He is known and highly respected throughout the Nation as the past president of the National Association of Postmasters. In fact, he was, on three separate occasions, elected and reelected to the position of president of that organization, an honor accorded to few men and exceeded by none. He is held in the highest esteem by the Postmaster General and, indeed, throughout the postal service.

The high honors he has received and the great contributions he has made to our country in his chosen field have merited the admiration and respect of those whose pleasure it was to know him. I know his many friends join with me in offering our best wishes as he undertakes his well deserved retirement.

I include herewith an exchange of correspondence on the occasion of his retirement:

APRIL 10, 1959.

Hon. RAYMOND V. MCNAMARA,
Postmaster, Haverhill, Mass.

DEAR RAY: It is with a deep sense of personal disappointment that Mrs. Summerfield and I find that we cannot be present for the testimonial dinner in Boston which will mark your retirement as postmaster of Haverhill. A long-standing commitment to deliver an address in Los Angeles makes it impossible for me to join your colleagues in paying to you a tribute so well earned.

For my own part, I hope this letter will express in some measure the Department's appreciation for the contribution which you have made to the postal service, as well as my warm personal affection for you as a friend.

Your enthusiastic support during your tenure as President of the National Asso-

ciation of Postmasters made the task of modernizing the postal system easier and earned for you the gratitude of the Department and your fellow postmasters.

The high integrity and devotion to duty which mark your career as a public servant and as a leader of postmasters reflect the religious principles which have guided your life. Mrs. Summerfield and I wish you many more useful and happy years, because we are sure you can never really retire from the postal service, nor from the National Association of Postmasters.

Sincerely,

ARTHUR E. SUMMERFIELD,
Postmaster General.

(Letter forwarded to Francis R. Sinervo, postmaster, Palmer, Mass., for presentation to Mr. McNamara at retirement banquet, April 18.)

NATIONAL ASSOCIATION OF POSTMASTERS OF THE UNITED STATES,
Haverhill, Mass., April 30, 1959.

Hon. ARTHUR E. SUMMERFIELD,
Postmaster General,
Washington, D.C.

DEAR MR. SUMMERFIELD: Among all the communications which I received upon the occasion of my retirement as a member of your official family, none brought me greater joy or consolation than your intimate and highly complimentary letter commenting on my services as postmaster at Haverhill, Mass.

As God gave me the talents and the opportunity, I have tried to give to my beloved Postmaster General and the Service I had the honor of representing a loyalty and a dedication that has never waned.

As one who abhors expediency and compromise, I glory in the knowledge that I have remained faithful and loyal to the high ideas and ideals set forth by a courageous leader in whose path I was privileged to follow.

On this day, when tears are near the surface, I cannot refrain from making my last official act one of thanksgiving and appreciation to you for all the many generous acts of kindness and consideration shown to me throughout your years of service as Postmaster General of the United States.

You must find a personal satisfaction in the knowledge that out of a quarter of a century of antiquity you have brought the Postal Service of our Government to its highest peak of efficiency. That I have had a small part to play in this tremendous drama brings to me a sense of pride and happiness, born of affection for a courageous leader and a complete devotion to the service of this great arm of our Government in the service of its people.

That our country may continue to be blessed with your unselfish and outstanding leadership is my fervent hope and prayer. May God bring to Mrs. Summerfield and yourself health and contentment, length of days and the happiness one finds in the knowledge of a job well done, is the sincere and heartfelt wish of one of your most devoted followers.

Again, with an expression of high esteem and affection, I shall ever remain,

Sincerely yours,

RAYMOND V. MCNAMARA.

MAY 5, 1959.

Mr. RAYMOND MCNAMARA,
Postmaster, Haverhill, Mass.

DEAR RAY: I have learned with mixed feelings of your retirement as postmaster at Haverhill. I am disappointed that you are leaving the postal service, because I think it is a loss to that service. On the other hand, I am very pleased that you will receive the benefit of a richly deserved retirement.

You have served long and honorably in the postal service, and indeed you have done a great deal not only for your own post office but for your associates throughout the Nation. You leave with the good will and friendship of many of us who have had the pleasure of knowing you and of working with you during the years. I know you can look back with justifiable pride on your years of service. I only hope the years ahead will hold for you every reward and happiness.

Best personal regards.

Sincerely,

LEVERETT SALTONSTALL,
U.S. Senator.

Remarks of Congressman Lane at Annual Banquet of Veterans of World War I in Boston, Mass.

EXTENSION OF REMARKS
OF

HON. THOMAS J. LANE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1959

Mr. LANE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include a portion of my remarks at the annual banquet of the Veterans of World War I of the United States of America at the Hotel Bradford, Boston, Mass., on June 20, 1959.

REMARKS OF CONGRESSMAN LANE AT ANNUAL BANQUET OF VETERANS OF WORLD WAR I IN BOSTON, MASS.

Greetings: You saw what happened in the U.S. House of Representatives last Monday. A pension reform bill was passed. Its purpose, on the face of it, was to scrap flat pension payments and substitute sliding-scale benefits, based on need.

There is not a man or woman here who opposes higher pensions for veterans with non-service-connected disabilities who are in need. Or to provide for their widows and their orphans.

This is nothing new. We have been for this all the way.

What we do object to is the manner in which this worthy cause is being used to block progress toward a pure service pension for the veterans of World War I.

Representative VAN ZANDT, myself, and 32 others, opposed the bill for this reason alone.

Although the bill was sweetened up with temporary increases to beguile the innocent, we saw its real though hidden motive.

The needs test is the trap.

They don't intend to hit you all of a sudden. That would be too obvious. Slowly but surely, through the application of the needs test which will not only take into account your outside income but that of your wife as well, they propose to choke off most pensions for non-service-connected disabilities.

This is a challenge that must be met by a strong and sustained reaction in favor of a service pension for all World War I veterans based on age, and without the slippery sliding scale that makes a mockery of the pension reform bill that was passed by the House last Monday.

The report on that bill came out last Friday. We were given no opportunity to consider the testimony of those who were for, or against it. Amendments to the bill were prohibited. It was rammed through under a gag rule.

I know many Members who voted for this bill with great reluctance. They did not want to be recorded in opposition to a veterans' bill, even though that so-called veterans' bill was a betrayal of the veterans of World War I.

The sponsors of the bill knew this and took advantage of it, forcing Members to vote for it against their will. The House was placed in the awkward position of supporting it, or, being cornered like the man who was asked: "When did you stop beating your wife?"

There were not many with the courage to vote against this bill that, in the long run, and in fact, will be detrimental to the best interests of all veterans.

The terminology of this bill with its needs tests, places veterans in the same category as recipients of old-age assistance, depriving them of the right to receive a pension based on age and honorable service.

In response to this veiled insult we should redouble our efforts to win a genuine pension for World War I veterans, consistent with similar pensions that were provided to the veterans of previous wars.

This is the purpose of our organization, but not the only purpose.

As veterans, we insist that our Nation shall be fair in its treatment of the men and women who served it so well in time of national peril irrespective of the wars in which they served. As we look at the record, we feel that the veterans of World War I have been the victims of neglect. And we are determined to correct that oversight.

As veterans who know firsthand, the cost of unpreparedness, we are also concerned with the state of our Nation and its leadership.

In the pleasant month of June, that is set aside for beautiful brides and starry-eyed graduates, we live again through our children and grandchildren, the beginnings of a brave, new world.

In the role of senior veterans, we are like the elder statemen who, out of the accumulated wisdom of their experience, do not rest on memories, but lead our people toward tomorrow.

Ours is a great and fruitful land where there are hurdles on the road of progress but no walls.

The only factors that slow our development are lack of vision and lack of will.

As we look around our Nation, we see most of our people busy at their work, providing for their families, improving their standard of living.

As individuals, most people are doing well.

But what about our national goals?

Is there confident direction and purpose, able and willing to do those things which can, and must be done?

In Washington, one senses a cautious mood, basing policy on things as they are, watching and waiting.

As if afraid to go ahead.

Negative. Not positive.

In spite of so much that needs to be done, and can be done if the tremendous resources of our Nation are fully employed.

This constructive force, once liberated, could finance many more development programs and balance the budget at the same time.

This supercaution at Washington, this lack of faith in the capacities of our people, is doing our Nation and the cause of freedom a great disservice. If our Nation is realizing only three-quarters of its present potential, the reason for this is lack of leadership that can be traced to the hesitation at Washington.

In urban redevelopment, airport construction, medical research, education, aid to underdeveloped countries, foreign policy, and other problems, there is lack of imagination, planning, and initiative.

Meanwhile, deterioration does not stand still.

The other day, I happened to see a survey of a Massachusetts industrial city.

More than 70 percent of the housing units were built in 1919 or earlier.

Almost 30 percent had limited plumbing facilities, or were in need of substantial repairs.

Only 40 percent had central heating.

The oldest school, still in use, was built in 1876.

Most of the industrial buildings date back more than half a century.

This is not an isolated case. From New York City to the smallest village, there is a huge backlog of essential building; public, residential, commercial, industrial, and the community services that go with them, that would provide work for hundreds of thousands of people in manufacturing, construction, and related industries, and would open up new economic opportunities for many more.

The airplane manufacturing, electronic, and nuclear energy industries are devoting most of their research and their production to meet the needs of national defense. But there is no reason why they cannot be enlarged to provide for the needs of people, and the needs of other industries, thus serving as a spur to our economy, and thereby increasing our national wealth.

From the neighborhood variety store to General Motors, there is not one enterprise in the United States, outside of agriculture, that could not produce more, or sell more, given the encouragement and the leadership that must come from Washington. Economic expansion will not be stimulated by timid policies. Trying to balance the Federal budget in line with present revenues, is putting a brake on America's progress. No wonder that so many Americans feel frustrated. Instinctively, they know that the vast possibilities of our Nation, its brainpower as well as its horsepower are not being given the fullest opportunity to show what they can do.

It is rare for a nation to distrust its own power for good.

Yet, in the field of foreign affairs, we hang back like a nation that has run out of original ideas. We wait, for the Communists to make their next move, and then try to repair the damage instead of preventing it.

We have a surplus of farm products that cost us hundreds of millions of dollars just to pay for the storage. We can't dispose of it in the United States without wrecking the farm economy. At the same time, we don't know how to give it to the millions of starving people of India, who desperately need it but cannot pay for it.

Has it ever dawned upon our Government to offer some of it to the millions in undeveloped countries who do not have enough to eat? These people have been reached by us with this generous offer which is proof of our good will toward them. But this takes imagination, and bold leadership, and a knowledge of the way that freedom can appeal to human beings the world over.

A Lincoln—or a Wilson—would touch the heart of mankind with such a pronouncement—and then would follow through with prompt and effective relief. It would take only part of the present wasteful storage costs to ship this agricultural surplus to have-not nations. Before this inspiring example of humane leadership, Communist propaganda would beat in vain. We would have taken a positive step forward in winning the trust and the faith of mankind.

But, Washington does not move.

This is but one example of the poverty of ideas.

To hold the line, resting upon past achievements, is not enough.

We are not looking forward to the dawn of a new age. We are in it, and events are racing ahead of our leadership.

The carefully worded statements out of Geneva reveal how much we are on the defensive.

The Communists have been pushing, and confusing, and blackmailing us to get out of West Berlin, where the allies maintain small forces under an agreement signed by us and the Russians, at the end of World War II.

But no demand was made by the Western Powers that Russian forces should get out of Lithuania, Latvia, Estonia, Poland, and other countries which they occupy in violation of the sovereign rights of those captive peoples.

Another illustration of our lack of initiative.

What distresses me, and many Americans, is that we have a wealth of human as well as material resources that we are not using.

To expand our own economy so that we may also help other people, and thus defeat the fraud and the danger that is communism.

To achieve this mobilization of strength for peace and progress we must look to the American people to provide the leadership that we are not getting today.

I realize that this is a serious charge, but the times plead for creative ideas and vigorous action.

When will the United States wake up?

I believe that the veterans of World War I can help to provide that missing leadership.

In concert with other groups we must rouse the sleeping giant of public opinion. Sparked by their great and generous idealism, and powered by their magnificent abilities, there is nothing that the American people cannot accomplish.

This, then, is our patriotic duty to the United States and to the cause of human freedom.

A Bill To Protect Domestic Industry and Labor

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1959

Mr. PELLY. Mr. Speaker, I take this means of informing my colleagues that I have introduced H.R. 8013 which would amend the so-called Buy America Act in such a way as to protect American workers and wages against low substandard foreign competition in connection with Federal Government purchases.

My bill provides that the United States in acquiring materials and products for public use inside the United States would make awards competitively between domestic and foreign bidders on the basis of a preference to offset the differential between average wages prevailing in our country as against the corresponding foreign pay scale.

As Members know, at present the law provides for a flexible preference—presently set by Executive order at 6 percent—which is meaningless to a large extent as far as domestic portection is concerned.

As an example of how our American standards of living are being undermined by the operation of the present unrealistic 6 percent differential, I should like to cite a situation in my own State of Washington. In this case the Bonneville Power Administration issued a bid invitation on 14,000 tons of structural tower steel. The lowest domestic bidder in this instance was the Bethlehem steel fabricating plant in Seattle, with a price of $4,074,406. The low foreign bid was $3,324,556 by a firm in Milan, Italy, which made the difference between the two low bids about 22 percent.

Under the law, the Bonneville Power Administration had no choice but to award the contract to the Italian firm, whereas had a realistic differential existed, as provided in my bill, H.R. 8013, the Seattle firm would have been the successful bidder. The fabrication of these towers for the Bonneville Power Administration would have provided 2½ years' work with a payroll which would have assured better than 200 American families the means of livelihood with a return of taxes to the Federal Treasury from the company and the workers.

I wish to make it clear, Mr. Speaker, that this proposed change in the law would not be susceptible to allowing exorbitant profits on monopolistic items. In this respect, to prevent profiteering, I have included a provision in my bill for exclusion of bids where a domestic price is unreasonably high. Likewise I have exempted purchases abroad or during a national emergency or where the national security would be jeopardized. Any cost to the Government under my bill which exceeded 25 percent more than a foreign bid would be deemed unreasonable.

The wage comparison would be established by uisng current official wage rates as published by the Bureau of Labor Statistics of the Department of Labor.

Mr. Speaker, Congress has the obligation of protecting our standard of living from being undermined by cheap foreign scales of pay. H.R. 8013 will accomplish such protection without extra cost to the Government on account of profiteering by industry. I hope, Mr. Speaker, that the House Committee on Public Works will give speedy consideration to this desirable legislation. The increased business as a result of my bill will create jobs and benefit business. It will stimulate the overall economy of the country. This is the type of legislative measure that will tend to lift wages and working conditions in other nations rather than for foreign industries, as they do now, to depress wages and employment conditions in the United States.

Congress should act promptly to correct the Buy America Act and relieve our American industry and labor from unfair foreign competition.

Bills To Rebate Taxes to States Must Be Equitable

EXTENSION OF REMARKS

OF

HON. HENRY ALDOUS DIXON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1959

Mr. DIXON. Mr. Speaker, a proposal which is given consideration frequently by many Congressmen is that a portion of the taxes collected by the Federal Government should be rebated to the States.

Without arguing the merits of this idea, I believe it is important to draw

attention to a serious and probably unintentional inequity in most of the bills which have been introduced to carry out this idea.

These bills typically rebate to the State 1 percent or 5 percent of the Federal income tax collected within that State. The inequity arises from the fact that the amount of Federal taxes collected in any particular State is largely a geographical or business practice coincidence and is to a considerable extent wholly unrelated to the amount of taxes paid by the people of the State in question. For example, in a State such as Utah, even the personal income withheld by a number of our large employers with out-of-State headquarters is remitted to the Collector of Internal Revenue in States other than Utah where the income was earned and where the payroll deductions were made. Practically all of the Federal excise taxes such as those on new cars, appliances, machines, and so forth, are remitted by the manufacturer in the State of the parent manufacturer, even though the amount of the tax is expressly paid by the final consumer in Utah. These are but obvious examples of the irrelevance of the amount of Federal tax collections within a State as a measure of the Federal taxes paid by the people of that State.

It would therefore be manifestly unfair to use the amount of Federal tax collections within the respective States as the base for distributing Federal grants. As an example, for the fiscal year of 1958 the Internal Revenue Bureau reported Federal tax collections in Utah amounting to $200,022,000 whereas a fair estimate of the actual taxes paid by the people of Utah for the same year would be $278,300,000.

These figures were carefully estimated by the Utah Foundation, and Mr. Henry R. Pearson, executive director of the Utah Foundation and his staff deserve to be commended for bringing to light these significant discrepancies which show that Utahans pay almost 40 percent more in Federal taxes than is attributed to the State through collections.

I am placing in the RECORD the method used by the Utah Foundation to compute Utah's share of Federal taxes which further elaborates reasons for the disparity between collections and the actual taxes paid by the people of Utah.

SENATE

THURSDAY, JUNE 25, 1959

The Senate met at 9:30 o'clock a.m.

Rev. Albert Joseph McCartney, emeritus minister, National Presbyterian Church, Washington, D.C., offered the following prayer:

Almighty God, our gracious and Heavenly Father, it is written "Early in the morning our prayers shall rise to Thee."

O Thou who hast given us eyes to see and hearts to love this world so fair, give us a faith to find out Thee and see Thee everywhere. In simple, childlike trust we look to Thee at the beginning of our legislative day for that meed of wisdom which cometh down from above and is ever profitable to direct. Conscious of our need we humbly ask Thy guiding spirit in our deliberations throughout the day. Enlighten our minds with knowledge, fill our hearts with love, stimulate our souls with courage, anoint our lips with charity that we may bring all our words into obedience to Thy spirit. Guide our feet in the way of peace. These mercies we ask in the name of Him whom we delight to call the Prince of Peace, upon whose shoulders our governance must rest, and may the God of Peace keep your hearts and minds in Christ Jesus. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 24, 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.

REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT (S. DOC. NO. 31)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I hereby transmit the third annual report on the operation of the trade agreements program. This report is submitted to the Congress pursuant to section 350(e)(1) of the Tariff Act of 1930 as amended.

Through the trade agreements program the United States plays a sound role in fostering the healthy and mutually beneficial international trade so necessary to the economic well-being of the free world and the promotion of higher standards of living in all nations, including the United States.

Although total world trade declined somewhat from 1957, several developments in 1958 hold great promise for the future. The treaty establishing the European Economic Community entered into effect. The currencies of most Western European countries were made convertible for nonresidents, a move which should facilitate early and substantial progress in the further elimination of quantitative trade restrictions. And at home, the 4-year extension of the trade agreements legislation enabled the United States to begin preparations for reciprocal tariff negotiations among the countries participating in the General Agreement on Tariffs and Trade.

In the coming months and years there will be many complex problems connected with the emergence of the European Common Market and with possible developments toward regional economic integration in other areas of the world as well. In addition, we shall continue to face the problems of the less-developed countries and the Communist attempts at economic penetration throughout the free world. Such problems emphasize anew the compelling need for wise policies in the field of trade. For U.S. leadership in these matters the trade agreements program will remain an indispensable instrument.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *June 25, 1959.*

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Col. Howard A. Morris, Corps of Engineers, to be a member and secretary of the California Debris Commission, which was referred to the Committee on Public Works.

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 the bill (S. 1368) to amend sections 503 and 504 of the Federal Aviation Act of 1958 to facilitate financing of new jet and turboprop aircraft, with amendments, in which it requested the concurrence of the Senate.

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

H.R. 3. An act to establish rules of interpretation governing questions of the effect of acts of Congress on State laws;

H.R. 6054. An act to continue until the close of June 30, 1960, the suspension of duties on metal scrap, and for other purposes; and

H.R. 7567. An act to extend for a period of 2 years the privilege of free importation of gifts from members of the Armed Forces of the United States on duty abroad.

HOUSE BILLS REFERRED

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

H.R. 3. An act to establish rules of interpretation governing questions of the effect of acts of Congress on State laws; to the Committee on the Judiciary.

H.R. 6054. An act to continue until the close of June 30, 1960, the suspension of duties on metal scrap, and for other purposes; and

H.R. 7567. An act to extend for a period of 2 years the privilege of free importation of gifts from members of the Armed Forces of the United States on duty abroad; to the Committee on Finance.

LIMITATION OF DEBATE DURING MORNING HOUR

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