SENATE

TUESDAY, JULY 8, 1958

(Legislative day of Monday, July 7, 1958)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

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

O Thou divine shepherd of our souls, who in these fields of time hast prepared green pastures and still waters for the restoration of our jaded and spent strength, lead us this day, we pray Thee, into paths of righteousness for Thy name's sake.

May we toil in the sense of the eternal.

Allay the fever of our fretfulness and lift us above corroding care.

Even in these troublous times may our hearts be untroubled as we stay our minds on Thee.

We make our prayer in the name of Him who offers us the peace that passeth all understanding. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, July 7, 1958, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on July 7, 1958, the President had approved and signed the following acts:

S. 385. An act to increase efficiency and economy in the Government by providing for training programs for civilian officers and employees of the Government with respect to the performance of official duties; and

S. 3500. An act to require the full and fair disclosure of certain information in connection with the distribution of new automobiles in commerce, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 602. An act to provide for the acquisition of additional land to be used in connection with the Cowpens National Battleground site;

S. 628. An act to direct the Secretary of the Army to convey certain property located at Boston Neck, Narragansett, Washington County, R. I., to the State of Rhode Island;

S. 1901. An act to amend section 401 of the Federal Employees Pay Act of 1945, as amended;

S. 2108. An act to amend the Public Buildings Act of 1949, to authorize the Administrator of General Services to name, rename, or otherwise designate any building under the custody and control of the General Services Administration;

S. 2109. An act to amend an act extending the authorized taking area for public building construction under the Public Buildings Act of 1926, as amended, to exclude therefrom the area within E and F Streets and 19th Street and Virginia Avenue NW., in the District of Columbia;

S. 2318. An act to provide for the conveyance of certain land of the United States to the city of Salem, Oreg.;

S. 2474. An act directing the Secretary of the Navy to convey certain land situated in the State of Virginia to the Board of Supervisors of York County, Va.;

S. 2630. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment, and to provide certain services to the Girl Scouts of the United States of America, and to permit use of certain lands of the Air Force Academy for use at the Girl Scout Senior Roundup Encampment, and for other purposes;

S. 3314. An act for the relief of the city of Fort Myers, Fla., and Lee County, Fla.;

S. 3431. An act to provide for the addition of certain excess Federal property in the village of Hatteras, N. C., to the Cape Hatteras National Seashore Recreational Area, and for other purposes; and

S. 3506. An act to authorize the transfer of naval vessels to friendly foreign countries.

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

S. 692. An act to provide that the United States hold in trust for the Indians entitled to the use thereof the lands described in the Executive order of December 16, 1882, and for adjudicating the conflicting claims thereto of the Navaho and Hopi Indians, and for other purposes;

S. 1732. An act to readjust equitably the retirement benefits of certain individuals on the emergency officers' retired list, and for other purposes;

S. 2069. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain; and

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

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 65. An act to provide certain allowances and benefits to personnel of the Veterans' Administration who are United States citizens and are assigned to the Veterans' Administration office in the Republic of the Philippines;

H. R. 67. An act to increase the rate of special pension payable to certain persons awarded the Medal of Honor, and for other purposes;

H. R. 413. An act to provide a further period for presuming service-connection in the case of veterans suffering from Hansen's disease (leprosy);

H. R. 471. An act relating to the retired pay of certain retired officers of the Armed Forces;

H. R. 781. An act to amend title 10, United States Code, to make retired pay for nonregular service available to certain persons who performed active duty during the Korean conflict;

H. R. 855. An act to designate the dam being constructed in connection with the Eagle Gorge Reservoir project on the Green River, Wash., as the "Howard A. Hanson Dam";

H. R. 2770. An act to provide that no application shall be required for the payment of statutory awards for certain conditions which, prior to August 1, 1952, have been determined by the Veterans' Administration to be service connected;

H. R. 3630. An act to amend the Veterans' Benefits Act of 1957 to provide that an aid and attendance allowance of $200 per month shall be paid to certain paraplegic veterans during periods in which they are not hospitalized at Government expense;

H. R. 4214. An act to amend section 315 of the Veterans' Benefits Act of 1957 to provide additional compensation for veterans having the service-incurred disability of deafness of both ears;

H. R. 4503. An act to provide that all interests of the United States in a certain tract of land formerly conveyed to it by the Commonwealth of Kentucky, shall be quitclaimed and returned to the Commonwealth of Kentucky;

H. R. 4675. An act to provide that certain employees under the jurisdiction of the commissioner of public lands and those under the jurisdiction of the board of harbor commissioners of the Territory of Hawaii shall be subject to the civil-service laws of the Territory of Hawaii;

H. R. 5322. An act to extend certain veterans' benefits to or on behalf of dependent husbands and widowers of female veterans;

H. R. 5450. An act to authorize the enlargement of the administrative headquarters site for Isle Royale National Park, Houghton, Mich., and for other purposes;

H. R. 5949. An act to provide for the conveyance of certain real property of the United States located at the Veterans' Administration hospital near Amarillo, Tex., to Potter County, Tex.;

H. R. 6038. An act to revise the boundary of the Kings Canyon National Park, in the State of California, and for other purposes;

H. R. 7225. An act to amend provisions of the Canal Zone Code relative to the handling of the excess funds of the Panama Canal Company, and for other purposes;

H. R. 7706. An act to entitle members of the Army, Navy, Air Force, or Marine Corps retired after 30 years' service to retired pay equal to 75 percent of the monthly basic pay authorized for the highest enlisted, warrant, or commissioned grade in which they served satisfactorily during World War I, and for other purposes;

H. R. 7902. An act to authorize travel and transportation allowances in the case of certain members of the uniformed services;

H. R. 8249. An act to provide for the adjustment by the Secretary of the Army of the legislative jurisdiction exercised by the United States over lands within the Fort Custer Military Reservations, Michigan;

H. R. 8252. An act to amend section 3237 of title 18 of the United States Code to define the place at which certain offenses against the income-tax laws take place;

H. R. 8478. An act to amend section 207 of the Hawaiian Homes Commission Act, 1920, to permit the establishment of a post office on Hawaiian homelands;

H. R. 8775. An act to amend section 709 of title 32, United States Code;

H. R. 8826. An act to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, with respect to proceedings in the Patent Office;

H. R. 9139. An act to amend the law with respect to civil and criminal jurisdiction over Indian country in Alaska;

H. R. 9500. An act to permit certain sales and exchanges of public lands of the Territory of Hawaii to certain persons who suffered a substantial loss of real property by reason of the tidal wave of March 9, 1957;

H. R. 9932. An act to provide for the conveyance of certain land of the United States to the State Board of Education of the State of Florida;

H. R. 10173. An act to provide for the transfer of title to certain land at Sand Island, T. H., to the Territory of Hawaii, and for other purposes;

H. R. 10423. An act to grant the status of public lands to certain reef lands and vesting authority in the commissioner of public lands of the Territory of Hawaii in respect of reef lands having the status of public lands;

H. R. 10426. An act to provide that the Federal-Aid Highway Act of 1956 (Public Law 627, 84th Cong., ch. 462, 2d sess.) shall be amended to increase the period in which actual construction shall commence on rights-of-way acquired in anticipation of such construction from 5 years to 7 years following the fiscal year in which such request is made;

H. R. 10461. An act to amend section 315 (m) of the Veterans' Benefits Act of 1957 to provide a special rate of compensation for certain blind veterans;

H. R. 11008. An act to authorize the Secretary of the Interior to exchange certain land at Vicksburg National Military Park, Miss., and for other purposes;

H. R. 11305. An act to authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses;

H. R. 11504. An act to amend title 10 of the United States Code to permit enlisted members of the Naval Reserve and Marine Corps Reserve to transfer to the Fleet Reserve and the Fleet Marine Corps Reserve on the same basis as members of the regular components;

H. R. 11626. An act to amend section 6911 of title 10, United States Code, to provide for the grade, procurement, and transfer of aviation cadets;

H. R. 11636. An act to repeal section 6018 of title 10, United States Code, requiring the Secretary of the Navy to determine that the employment of officers of the Regular Navy on shore duty is required by the public interest;

H. R. 11700. An act to authorize civilian personnel of the Department of Defense to carry firearms;

H. R. 11954. An act to amend the Hawaiian Organic Act and Public Laws 640 and 643 of the 83d Congress, as amended, relating to general obligation bonds of the Territory of Hawaii;

H. R. 12140. An act to amend the act of December 2, 1942, and the act of August 16, 1941, relating to injury, disability, and death resulting from war-risk hazards and from employment, suffered by employees of contractors of the United States, and for other purposes;

H. R. 12161. An act to provide for the establishment of townsites, and for other purposes;

H. R. 12224. An act to amend the Agricultural Adjustment Act of 1938, as amended, with respect to acreage allotments for peanuts;

H. R. 12883. An act to provide for certain improvements relating to the Capitol Power Plant and its distribution systems;

H. R. 12927. An act to amend section 358 of the Veterans' Benefits Act of 1957 to provide for apportionment of compensation of veterans who disappear;

H. R. 12938. An act to provide for the conveyance of an interest of the United States in and to fissionable materials in a tract of land in Leon County, Fla.;

H. R. 13170. An act to amend title 10, United States Code, to provide for a permanent professor of physical education at the United States Military Academy; and

H. J. Res. 228. Joint resolution to provide for the honorary designation of St. Ann's Churchyard in the city of New York as a national historic site.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

H. R. 7349. An act to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia;

H. R. 7452. An act to provide for the designation of holidays for the officers and employees of the government of the District of Columbia for pay and leave purposes, and for other purposes;

H. R. 8439. An act to cancel certain bonds posted pursuant to the Immigration Act of 1924, as amended, or the Immigration and Nationality Act;

H. R. 9285. An act to amend the charter of St. Thomas' Literary Society;

H. R. 12643. An act to amend the act entitled "An act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia,' to create 'The Municipal Court of Appeals for the District of Columbia,' and for other purposes," approved April 1, 1942, as amended;

H. J. Res. 479. Joint resolution to designate the 1st day of May of each year as Loyalty Day;

H. J. Res. 576. Joint resolution to facilitate the admission into the United States of certain aliens; and

H. J. Res. 580. Joint resolution for the relief of certain aliens.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

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

H. R. 65. An act to provide certain allowances and benefits to personnel of the Veterans' Administration who are United States citizens and are assigned to the Veterans' Administration office in the Republic of the Philippines;

H. R. 67. An act to increase the rate of special pension payable to certain persons awarded the Medal of Honor, and for other purposes;

H. R. 413. An act to provide a further period for presuming service connection in the case of veterans suffering from Hansen's disease (leprosy);

H. R. 2770. An act to provide that no application shall be required for the payment of statutory awards for certain conditions which, prior to August 1, 1952, have been determined by the Veterans' Administration to be service connected;

H. R. 3630. An act to amend the Veterans' Benefits Act of 1957 to provide that an aid and attendance allowance of $200 per month shall be paid to certain paraplegic veterans during periods in which they are not hospitalized at Government expense;

H. R. 4214. An act to amend section 315 of the Veterans' Benefits Act of 1957 to provide additional compensation for veterans having the service-incurred disability of deafness of both ears;

H. R. 5322. An act to extend certain veterans' benefits to or on behalf of dependent husbands and widowers of female veterans;

H. R. 10461. An act to amend section 315 (m) of the Veterans' Benefits Act of 1957 to provide a special rate of compensation for certain blind veterans; and

H. R. 12927. An act to amend section 358 of the Veterans' Benefits Act of 1957 to provide for apportionment of compensation of veterans who disappear; to the Committee on Finance.

H. R. 471. An act relating to the retired pay of certain retired officers of the Armed Forces;

H. R. 781. An act to amend title 10, United States Code, to make retired pay for nonregular service available to certain persons who performed active duty during the Korean conflict;

H. R. 7225. An act to amend provisions of the Canal Zone Code relative to the handling of the excess funds of the Panama Canal Company, and for other purposes;

H. R. 7706. An act to entitle members of the Army, Navy, Air Force, or Marine Corps retired after 30 years' service to retired pay equal to 75 percent of the monthly basic pay authorized for the highest enlisted, warrant, or commissioned grade in which they served satisfactorily during World War I, and for other purposes;

H. R. 7902. An act to authorize travel and transportation allowances in the case of certain members of the uniformed services;

H. R. 8249. An act to provide for the adjustment by the Secretary of the Army of the legislative jurisdiction exercised by the United States over lands within the Fort Custer Military Reservations, Mich.;

H. R. 8775. An act to amend section 709 of title 32, United States Code;

H. R. 9932. An act to provide for the conveyance of certain land of the United States to the State Board of Education of the State of Florida;

H. R. 10173. An act to provide for the transfer of title to certain land at Sand Island, T. H., to the Territory of Hawaii, and for other purposes;

H. R. 11504. An act to amend title 10 of the United States Code to permit enlisted members of the Naval Reserve and Marine Corps Reserve to transfer to the Fleet Reserve and the Fleet Marine Corps Reserve on the same basis as members of the regular components;

H. R. 11626. An act to amend section 6911 of title 10, United States Code, to provide for the grade, procurement, and transfer of aviation cadets;

H. R. 11636. An act to repeal section 6018 of title 10, United States Code, requiring the Secretary of the Navy to determine that the employment of officers of the Regular Navy on shore duty is required by the public interest;

H. R. 11700. An act to authorize civilian personnel of the Department of Defense to carry firearms; and

H. R. 13170. An act to amend title 10, United States Code, to provide for a permanent professor of physical education at the United States Military Academy; to the Committee on Armed Services.

H. R. 855. An act to designate the dam being constructed in connection with the Eagle Gorge Reservoir project on the Green River, Wash., as the "Howard A. Hanson Dam";

H. R. 10426. An act to provide that the Federal-Aid Highway Act of 1956 (Public Law 627, 84th Cong., ch. 462, 2d sess.) shall be amended to increase the period in which actual construction shall commence on

rights-of-way acquired in anticipation of such construction from 5 years to 7 years following the fiscal year in which such request is made;

H. R. 11305. An act to authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses; and

H. R. 12883. An act to provide for certain improvements relating to the Capitol powerplant and its distribution systems; to the Committee on Public Works.

H. R. 4503. An act to provide that all interests of the United States in a certain tract of land formerly conveyed to it by the Commonwealth of Kentucky, shall be quitclaimed and returned to the Commonwealth of Kentucky;

H. R. 4675. An act to provide that certain employees under the jurisdiction of the commissioner of public lands and those under the jurisdiction of the board of harbor commissioners of the Territory of Hawaii shall be subject to the civil service laws of the Territory of Hawaii;

H. R. 5450. An act to authorize the enlargement of the administrative headquarters site for Isle Royale National Park, Houghton, Mich., and for other purposes;

H. R. 6038. An act to revise the boundary of the Kings Canyon National Park, in the State of California, and for other purposes;

H. R. 8478. An act to amend section 207 of the Hawaiian Homes Commission Act, 1920, to permit the establishment of a post office on Hawaiian homelands;

H. R. 9139. An act to amend the law with respect to civil and criminal jurisdiction over Indian country in Alaska;

H. R. 9500. An act to permit certain sales and exchanges of public lands of the Territory of Hawaii to certain persons who suffered a substantial loss of real property by reason of the tidal wave of March 9, 1957;

H. R. 10423. An act to grant the status of public lands to certain reef lands and vesting authority in the commissioner of public lands of the Territory of Hawaii in respect of reef lands having the status of public lands;

H. R. 11008. An act to authorize the Secretary of the Interior to exchange certain land at Vicksburg National Military Park, Miss., and for other purposes;

H. R. 11954. An act to amend the Hawaiian Organic Act and Public Laws 640 and 643 of the 83d Congress, as amended, relating to general obligation bonds of the Territory of Hawaii;

H. J. Res. 228. Joint resolution to provide for the honorary designation of Saint Ann's Churchyard in the city of New York as a national historic site; to the Committee on Interior and Insular Affairs.

H. R. 5949. An act to provide for the conveyance of certain real property of the United States located at the Veterans' Administration hospital near Amarillo, Tex., to Potter County, Tex.; and

H. R. 12938. An act to provide for the conveyance of an interest of the United States in and to fissionable materials in a tract of land in Leon County Fla.; to the Committee on Government Operations.

H. R. 8252. An act to amend section 3237 of title 18 of the United States Code to define the place at which certain offenses against the income tax laws take place;

H. R. 8826. An act to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce to carry out the provisions of international conventions and for other purposes," approved July 5, 1946, with respect to proceedings in the Patent Office; and

H. R. 12140. An act to amend the act of September 2, 1942, and the act of August 16, 1941, relating to injury, disability and death resulting from war-risk hazards and from employment suffered by employees of contractors of the United States, and for other purposes; to the Committee on the Judiciary.

H. R. 12161. An act to provide for the establishment of townsites, and for other purpose; and

H. R. 12224. An act to amend the Agricultural Adjustment Act of 1938, as amended, with respect to acreage allotments for peanuts; to the Committee on Agriculture and Forestry.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour, for the introduction of bills, the presentation of petitions and memorials, and the transaction of other routine business, subject to a 3-minute limitation on statements.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

ISSUANCE OF PASSPORTS

A letter from the Secretary of State, transmitting a draft of proposed legislation to provide standards for the issuance of passports; and for other purposes (with an accompanying paper); to the Committee on Foreign Relations.

AMENDMENT OF WAR CLAIMS ACT OF 1948, RELATING TO COMPENSATION FOR CERTAIN WORLD WAR II LOSSES

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D. C., transmitting a draft of proposed legislation to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON REVIEW OF HOUSING AUTHORITY, CITY AND COUNTY OF DENVER, COLO.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the Housing Authority of the City and County of Denver, Colo., 1957, Public Housing Administration, Housing and Home Finance Agency (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIAL

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

By the PRESIDENT pro tempore:

Petitions signed by sundry citizens of West Covina, Calif., praying for the enactment of legislation to provide for the continuation of the improvement of the Big Dalton and San Dimas Washes in the State of California for flood control purposes; to the Committee on Public Works.

A memorial signed by Mrs. F. L. Manning, and sundry other citizens of the State of Ohio, remonstrating against the enactment of legislation to change the east front of the Capitol Building in the District of Columbia; to the Committee on Public Works.

RURAL ELECTRIFICATION ADMINISTRATION FINANCING—RESOLUTION

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD Resolution No. 2 of the James Valley Electric Cooperative, relating to rural electrification administration financing.

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

RESOLUTION NO. 2, RURAL ELECTRIFICATION ADMINISTRATION FINANCING

Wheras the present interest rate charged rural electric cooperatives is a fair rate to all interests concerned; and

Whereas financing future rural electric cooperative needs as proposed, through private sources does not represent a feasible method of providing for the future needs of rural electric cooperatives: Now, therefore, be it

Resolved, That the James Valley Electric Cooperative oppose the passage of measures now before Congress increasing interest rates and proposing rural electric cooperative financing through private sources, and that copies of this resolution be sent to all members of the North Dakota delegation in Congress.

OPPOSITION OF NORTH DAKOTA FARMERS UNION TO SENATE BILL 4071

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram which I have received from the officers and directors of the North Dakota Farmers Union, in connection with the farm bill (S. 4071) recently reported by the Senate Committee on Agriculture and Forestry. I may say that personally I agree fully with the sentiments expressed in the telegram.

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

JAMESTOWN, N. DAK.,
July 8, 1958.

Hon. WILLIAM LANGER,
Senate Office Building,
Washington, D. C.:

We have carefully analyzed Senate Agricultural Committee bill S. 4071.

This bill is unbelievably bad. It greatly weakens existing price-support programs for corn, cotton, rice, sorghum grain, rye, oats, and barley. It adopts the Benson-Eisenhower concept that the so-called free market, rather than parity is the goal of farm programs.

Price support levels based on parity are replaced by dollars and cents floors and the ever-falling support level of 10 percent below the average market price of the immediately preceding 3 years, unless this bill can be amended by the Senate to completely reverse its direction away from dependence on and relation to the so-called free market and so as to strengthen rather than further weaken existing price-support programs. We strongly urge you to fight for and vote for its defeat on Senate floor.

OFFICERS AND DIRECTORS,
NORTH DAKOTA FARMERS UNION.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. BYRD, from the Committee on Finance, without amendment:

H. R. 13130. An act to extend for 2 years the existing authority of the Secretary of the Treasury in respect of transfers of distilled spirits for purposes deemed necessary to meet the requirements of the national defense (Rept. No. 1809).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD, from the Committee on Finance:

Arthur S. Flemming, of Ohio, to be Secretary of Health, Education, and Welfare; and

Gustav F. Doscher, Jr., of South Carolina, to be collector of customs for customs collection district No. 16, with headquarters at Charleston, S. C.

BILLS INTRODUCED

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

By Mr. TALMADGE:

S. 4109. A bill for the relief of Dr. Herbert H. Schafer and his wife, Irma Niemeyer Schafer; to the Committee on the Judiciary.

By Mr. GREEN (by request):

S. 4110. A bill to provide standards for the issuance of passports, and for other purposes; to the Committee on Foreign Relations.

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

STANDARDS FOR ISSUANCE OF PASSPORTS

Mr. GREEN. Mr. President, by request, I introduce, for appropriate reference, a bill to provide standards for the issuance of passports by the Secretary of States. This bill was transmitted to the Congress by the Secretary of State to carry out the recommendations made by the President in his message to the Congress of July 7, 1958, on the subject of passport legislation.

The Committee on Foreign Relations will hold hearings on this subject on July 16 and 17. I understand Deputy Under Secretary of State Robert Murphy will make a presentation for the executive branch. A number of private witnesses and representatives of national organizations are scheduled to testify. It is my hope that information will be presented to the committee covering every aspect of the subject of passports, including the relationship of passports to foreign relations, individual civil rights, internal security, and economic policy. It is further my hope that all witnesses will address themselves to the various bills on the subject which have been introduced in the Congress, whether or not pending before the Committee on Foreign Relations. If action on passport legislation is to be completed during this session it would be most helpful to the committee to have the comments of interested persons on the many legislative proposals which have been made.

I wish to make clear that I am not endorsing the bill which I am now introducing, nor any other bill on the subject. I desire that the executive branch bill be before our committee in order that we may hear informed opinion on it. We shall also be receiving comments on other bills, one of which was introduced by the Senator from Arkansas [Mr. FULBRIGHT] nearly a year ago, but which has not been considered heretofore by the committee because the executive branch comments thereon were not received until last May 19.

The Committee on Foreign Relations is going to proceed in this matter expeditiously, but also very carefully. All sides of the question will be examined.

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

The bill (S. 4110) to provide standards for the issuance of passports, and for other purposes, introduced by Mr. GREEN (by request), was received, read twice by its title, and referred to the Committee on Foreign Relations.

IMPROVEMENT OF HOUSING AND RENEWAL OF URBAN COMMUNITIES—AMENDMENTS

Mr. BYRD submitted amendments, intended to be proposed by him, to the bill (S. 4035) to extend and amend laws relating to the provision and improvement of housing and the renewal of urban communities, and for other purposes, which was ordered to lie on the table, and to be printed.

AGRICULTURAL ACT OF 1958—AMENDMENT

Mr. TALMADGE submitted an amendment, intended to be proposed by him, to the bill (S. 4071) to provide more effective price, production adjustment, and marketing programs for various agricultural commodities, which was ordered to lie on the table, and to be printed.

Mr. JORDAN submitted an amendment, intended to be proposed by him to Senate bill 4071, supra, which was ordered to lie on the table and be printed.

INCREASED USE OF AGRICULTURAL PRODUCTS FOR INDUSTRIAL PURPOSES—AMENDMENT

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (S. 4100) to provide for the increased use of agricultural products for industrial purposes, which was ordered to lie on the table, and to be printed.

TECHNICAL CHANGES IN FEDERAL EXCISE-TAX LAWS—AMENDMENT

Mr. MARTIN of Iowa (for himself and Mr. HICKENLOOPER) submitted an amendment, intended to be proposed by them, jointly, to the bill (H. R. 7125) to make technical changes in the Federal excise-tax laws, and for other purposes, which was referred to the Committee on Finance, and ordered to be printed.

IMPROVEMENT OF ALASKA HIGHWAY—ADDITIONAL COSPONSOR OF BILL

Mr. NEUBERGER. Mr. President, on July 2, I introduced the bill (S. 4097) to authorize paving the Alaska Highway, which is the only overland link between Alaska and the other 48 States. This bill is cosponsored by eight Senators from both parties. The junior Senator from California [Mr. KUCHEL] has asked me whether he might add his name to the list of cosponsors of this proposal. The Senator from California is a member of our Territories Subcommittee of the Committee on Interior and Insular Affairs, and he was in the very forefront of the long fight which has just culminated in the successful admission of Alaska to full statehood in the Union. I am very glad, therefore, to ask unanimous consent that the name of the able junior Senator from California may be added to the list of cosponsors of S. 4097.

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

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

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

By Mr. WILEY:

Article entitled "United States Airline Industry Faces Global Threat," written by him and published in the Legionnaire Review for June 1958.

STUDY OF CONFLICT-OF-INTEREST LAWS BY NEW YORK CITY BAR ASSOCIATION COMMITTEE

Mr. IVES. Mr. President, lately there has been considerable discussion about the necessity for study of the so-called conflict-of-interest laws of the Federal Government.

I believe it should be known that a distinguished bar association in my home State, the Association of the Bar of the City of New York, saw the necessity for this kind of study over a year ago, and obtained a grant of $47,500 from the Ford Foundation to undertake such a study. In May of this year a distinguished committee was appointed by the president of the association. The committee consists of 10 lawyers from different parts of the country, almost all of whom have had experience in high office in the Federal Government. The committee is strictly bipartisan, and has members who served under both Democratic and Republican administrations. I am informed by the chairman of the committee that it has already begun its work, and this summer will complete what perhaps will be the most exhaustive legal research ever done on the subject of the conflict-of-interest laws. Commencing in the fall, the committee proposes to examine all phases of the operation of the statutes in practice, and will then consider proposals for their possible change, if found advisable.

In order that the Congress may be aware of the existence of this committee, I ask unanimous consent to have printed in the body of the RECORD the text of the press release issued by the Association of the Bar of the City of New York on the occasion of the appointment of the committee. I feel confident that the work of this committee will be an important contribution to this field.

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

Louis M. Loeb, president of the Association of the Bar of the City of New York, today announced the appointment of a special committee of 10 lawyers—most of them former Government officials—to make a "comprehensive and balanced study" of the Federal "conflict of interest" laws. The study will be financed by a grant of $47,500 from the Ford Foundation.

Mr. Loeb said that preliminary study by the association has shown that "as presently drawn, these laws are inadequate for their task of protecting modern government against certain subtle forms of corruption while, at the same time, they seem unreasonably to discourage able persons from accepting Government employment.

"Most of them," he said, "were passed in earlier, simpler days. Now, they provide loopholes for the unscrupulous and traps for the honest but unwary."

Mr. Loeb appointed Roswell B. Perkins, a practicing New York lawyer and former Assistant Secretary of the Department of Health, Education, and Welfare, as chairman of the special committee.

Other persons appointed by Mr. Loeb to the special committee are:

Howard F. Burns, of Cleveland, Ohio, a practicing lawyer and member of the Council of the American Law Institute;

Charles A. Coolidge, of Boston, a practicing lawyer, special assistant to the Secretary of Defense for reorganization, and formerly assistant to the Secretary of Defense for legislative affairs;

Paul M. Herzog, of New York, executive vice president of the American Arbitration Association and former Chairman of the National Labor Relations Board;

Alexander C. Hoagland, Jr., of New York, a practicing lawyer and former fellow of the Association of the Bar of the City of New York;

Everett L. Hollis, of New York, corporate counsel to the General Electric Co. and former general counsel to the Atomic Energy Commission;

Charles A. Horsky, of Washington, D. C., a practicing lawyer and former assistant prosecutor at Nurnberg with the Chief of Counsel for War Crimes;

John V. Lindsay, of New York, a practicing lawyer and former executive assistant to the Attorney General of the United States;

John E. Lockwood, of New York, a practicing lawyer, and former general counsel for the Office of Inter-American Affairs; and

Samuel I. Rosenman, of New York, a practicing lawyer, former justice of the supreme court of the State of New York and former special counsel to Presidents Roosevelt and Truman.

Bayless A. Manning, associate professor of law at Yale University Law School, has been appointed staff director.

The following is the text of the statement by Mr. Loeb, announcing the appointment of the special committee on the Federal conflict-of-interest laws:

"I have this day appointed a special committee of 10 distinguished members of the association to make a comprehensive and balanced study of the conflict-of-interest laws of the Federal Government. These laws, most of which date back to the 19th century, forbid present and former officials of the Government from having personal interests that conflict with their duty to the public. They have been passed piecemeal in response to specific instances of corruption in our Nation's history.

"These laws and the ethical principles that they express are a keystone of honest, impartial government. For proof of their importance one need look no farther than the daily press of this or any other era. Increasingly, however, they have come under attack. Come critics say that they do not adequately protect today's government against corruption. Others charge that they unreasonably discourage the Nation's best people from entering the public service. President Eisenhower stated last summer that these laws, among other factors, have made it difficult to recruit able men for important tasks, and he has suggested that the Congress review the laws on this subject.

"This association, through its regular committee on law reform, has found after considerable preliminary study that, as presently drawn, these laws are inadequate for their task of protecting modern government against certain subtle forms of corruption, while, at the same time, they seem unreasonably to discourage able persons from accepting government employment. Most of them were passed in earlier, simpler days. Now, they provide loopholes for the unscrupulous and traps for the honest but unwary. I am persuaded that we can render a real public service by bringing order into this highly confused state of the law; by determining in what way the law fails to guard against corrupt practices; by evaluating the impact of these laws upon the recruitment of personnel by the Federal Government, and by publicizing our findings for the benefit of the public. However, such thorough study and evaluation is a very large undertaking, not only because of the age and complexity of the laws themselves, but also because of their obviously far-reaching implications on the orderly and efficient operation of the government establishment. Such a study is not within the association's normal resources, but the association has been enabled to proceed by virtue of a grant of $47,500 from the Ford Foundation. We have successfully carried forward other important studies, such as our examination of the Federal loyalty-security programs, under similar arrangements.

"Accordingly, I have today established a special committee to undertake this work. Owing to the nature of the problem, I have selected the members on the basis, in addition to their general high qualifications, of their government service and their acquaintance with and concern for the problems of ethics in government. Mr. Roswell B. Perkins, of New York City, will be the chairman. The other members of the committee are: Howard F. Burns, Cleveland, Ohio; Charles A. Coolidge, Boston, Mass.; Paul M. Herzog, New York City; Alexander C. Hoagland, Jr., New York City; Everett L. Hollis, New York City; Charles A. Horsky, Washington, D. C.; John V. Lindsay, New York City; John E. Lockwood, New York City; Samuel I. Rosenman, New York City.

"Associate Prof. Bayless Manning, of the Yale University Law School, will be the staff director. I should at this time like to express my personal gratitude, as well as that of the association, to these men who are undertaking a long and arduous task in the public interest.

"The special committee will shortly begin work. I earnestly hope that it will receive the full cooperation of the Government and of the public in its difficult but important enterprise."

The so-called conflict-of-interest laws are sections 216, 281, 283, 284, 434, and 1914 of the United States Criminal Code (title 18) and section 99 of title 5 (Executive Departments and agencies) of the United States Code. Five of them apply to the conduct of all Government employees during their public service, and two restrict their activity after they have left the Government. Only one of the laws applies to Members of Congress.

Briefly described, the statutes forbid present and former Government employees from engaging in certain activities that might lead to a conflict between their duty to the public and their private interests.

Two of the laws prevent Government employees from receiving certain forms of nongovernment income. Section 1914 forbids the receipt by a Government employee from an outside source of "any salary in connection with his Government service." Section 434 forbids a Government employee from transacting business on behalf of the Government with any firm in which he has a "pecuniary interest."

Section 216 forbids a Government employee from receiving compensation for procuring a Government contract for an outside interest. Section 283 forbids a Government employee from prosecuting claims against the Government, gratuitously or for pay. Section 281 forbids Congressmen and employees of the executive and judicial branches from receiving money for performing any services of any kind before the Government for an outside interest in any matter in which the Government itself has an interest. For a period of 2 years after Government employment has ended, an official is forbidden by section 284 of title 18 and section 99 of title 5 from prosecuting certain claims against the Government.

In addition to these laws covering all employees of the Government, there are a number of special statutes that apply only to particular positions and officers. Furthermore, most departments and agencies have adopted their own rules on the subject. Conflict of interest principles also are applied by the Senate and its committees in approving Presidential appointments.

Criticisms of the present law have appeared in the following:

1. Personnel and Civil Service, a report to the Congress by the Commission on Organization of the Executive Branch of the Government (Hoover Commission) (1955).

2. Ethical Standards in Government, report of a subcommittee of the Committee on Labor and Public Welfare, United States Senate, (Douglas subcommittee) (Washington: United States Government Printing Office, 1955).

3. Investigation of Department of Justice, report of a subcommittee of the Committee on the Judiciary, United States House of Representatives, pursuant to House Resolution 50, 83d Congress, 1st session (Washington: United States Government Printing Office, 1953).

4. Federal Conflict of Interest Legislation, a staff report to subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, (Washington: United States Government Printing Office, 1957).

5. National Planning Association, Special Committee on Manpower Policy, Needed: A Civilian Reserve (1954).

6. Paul T. David and Ross Pollock, Executives for Government (the Brookings Institution, 1957).

The Department of Justice has suggested repeal of section 99 of title 5 of the United States Code, and expansion of section 284 of title 18. In his press conference on August 1, 1957, President Eisenhower suggested that the conflict of interest laws be revised by the Congress. Some 30 bills have been pending in Congress on this subject recently.

VISIT BY MONTANA GOVERNOR OF BOYS STATE TO BADGER BOYS STATE IN WISCONSIN

Mr. MANSFIELD. Mr. President, I am in receipt of a letter from Mr. George Woerth, of Prairie du Sac, Wis., which I wish to call to the attention of the Senate.

In the letter Mr. Woerth tells of the fine impression made by the Montana

governor of Boys State when he visited Badger Boys State, in Wisconsin. I am delighted that Bob Frisbie, of Cut Bank, Mont., was able to accomplish the results he did, and we of Montana are proud of him as our representative.

I know Bob's parents well, and I can imagine how pleased they are with their son. To Bob, I extend best personal greetings, and I want him to know we think he did his county, our State, and our Nation proud on his visit to Badger Boys State, in Wisconsin.

I ask unanimous consent that the letter from Mr. Woerth be printed at this point in the RECORD, in connection with my remarks.

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

PRAIRIE DU SAC, WIS.,
July 6, 1958.

Hon. MIKE MANSFIELD,
United States Senator,
Washington, D. C.

DEAR SENATOR: Last August, I spent a week working with Ted Hazelbaker at Dillon, in conjunction with Montana Boys State.

As you undoubtedly know, Bob Frisbie of Cut Bank was elected as governor of your Boys State.

I have now just returned from Badger Boys State, where Bob was our guest for 3 days. He was accorded every honor and courtesy there, that the staff and citizens could tender to him.

I know that the Governor of the State of Montana himself would not have been received as graciously as Bob was. In part, this was due to the dignity and humbleness with which he conducted himself while there.

The 1,400 boys there accorded him a tremendous ovation. Greater than that given to the Governor of the State of Wisconsin, with whom Frisbie shared the platform on Friday evening.

Montana should be very proud of this young man, for in him, Badger Boys State found personified those traits we most admire in our youth today.

Badger Boys State was pleased to have so fine a young gentleman as their guest.

Sincerely yours,

GEORGE J. WOERTH.

SIGNATURE OF THE ALASKAN STATEHOOD BILL, AND STATEHOOD FOR HAWAII

Mr. MANSFIELD. Mr. President, I am happy to note that on the Double Seventh—July 7—the President affixed his signature to the Alaskan statehood bill. I should like to take this significant occasion to pay tribute to the untiring efforts of our former colleague in the Senate, Secretary of the Interior Fred Seaton, for his unrelenting efforts in behalf of statehood for this newest addition to the Union. To Governor Michael Stepovich, congratulations are extended for a fine job well done. He has represented his Territory in the finest traditions of his office.

I would also recall to the Senate the great effort put forth by a former delegate from Alaska, the late Anthony Dimond, with whom I served in the House of Representatives when I first came to Washington 16 years ago. The work begun by Tony Dimond has been carried forward with vigor, enthusiasm, and devotion to duty by his successor, the present delegate, E. L.—BOB—BARTLETT, with whom I also served in the House of Representatives. BOB BARTLETT has been a dedicated public servant, and his efforts in behalf of Alaska's development and Alaskan statehood have also been untiring and continuous. No one knows the workings of the Congress of the United States better than does BOB BARTLETT because he has been on the inside of the Alaskan situation during his 14 years as Alaska's Delegate in Congress. BOB BARTLETT'S great value to Alaska has been here in Washington, in the Congress, in interpreting, analyzing, and making the case for Alaska's objectives. I am sure the people of Alaska are aware of his great contributions in the Congress, and I am certain that the ability, faithfulness, and hard work of this dedicated public servant will not be forgotten, and will be recognized by those who have sent him to represent their Territory for 7 full terms.

Mr. President, I should also like to say a word of commendation in behalf of Delegate JOHN BURNS, of Hawaii, who displayed statesmanship, good sense, and sound understanding in furthering the cause of Alaskan statehood, to the end that if this was accomplished, statehood for Hawaii would not be too far behind. It was not an easy course for Delegate BURNS to pursue; but it was the course of wisdom and, in my opinion, will redound in favor of Hawaii's becoming a State sooner than would otherwise be possible.

Mr. President, in opening my remarks today I referred to the Double Seventh, or July 7, signing of the Alaska statehood bill by the President. In closing, I should like to call to the attention of the Senate the fact that on another Double Seventh—July 7, 1898, 60 years ago—President McKinley signed the Joint Resolution annexing Hawaii to the Union. With the ice broken, so to speak, as far as Alaska is concerned, I express the hope that it will not be too long before the sea is spanned and Hawaii will be admitted to the Union as the 50th State.

THE PRIVILEGE OF A SOUND EDUCATION—ADDRESS BY SENATOR SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. President, during this year I have had opportunities to address my constituents on subjects which appear to be of current interest, and particularly in the fields I have specially studied, namely, foreign affairs and labor and education. Recently, I had the honor of being invited to address one of the oldest private schools in the United States the Newark Academy in Newark, N. J.

On the occasion of their commencement, I was invited to speak to the boys on the subject of education. My address was entitled "The Privilege of a Sound Education," and was delivered at the Newark Academy commencement exercises on the evening of Wednesday, June 11, 1958.

Because it seems to me to be relevant to the pending nationwide concern over the educational system in America, I ask unanimous consent that my address be printed in the body of the RECORD, in connection with my remarks.

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

THE PRIVILEGE OF A SOUND EDUCATION

(Address by Senator H. ALEXANDER SMITH, of New Jersey, at Newark Academy commencement exercises on Wednesday, June 11, 1958)

I feel deeply honored to be here tonight to take part in your commencement exercises. As New Jersey's senior Senator, I am glad to pay this visit to New Jersey's senior independent school, which I know to be one of the finest, as well as one of the oldest, in the country.

For many years I was an intimate friend of the late beloved Dr. Wilson Farrand, who so ably guided this school from 1901 to 1935. Therefore, I am well aware of Newark Academy's historic standards and traditions, which are now being carried on with such distinction by your own headmaster, Mr. Butler.

It is meaningful tonight to recall these standards and traditions, which had their origins in the challenging period leading up to the Revolutionary War. It was less than 3 months after the Boston Tea Party when the academy was founded in early 1774, and down through the years the school has shared all the growing pains of our Republic.

As your first building was rising, the Colonies were rapidly being whipped into a fever pitch against the injustices of English rule. The first Continental Congress, meeting in Philadelphia, was taking a bold stand against the Crown in behalf of colonial rights. In every village, citizens were storing arms and forming companies of militia.

In early January 1775, opening ceremonies were held at the academy against a background of insecurity. The whole new world was being drawn closer toward the historic conflict whose first shot was fired at Lexington some 3 months later.

I am quite certain that the founding fathers of this academy, in their formal orations at that first academic ceremony, were able to expound on the difficulties and complexities of the world with greater eloquence than I could summon today, despite the troubled pages of our newspapers. Therefore I find it impossible to rely upon the usual formula for commencement addresses; I will not attempt to convince you that the world you face today is any more difficult than it was for your fathers and forefathers.

I might say parenthetically that, after reading the history of your school, I stand before you uncomfortably aware of the fact that Congress never met its responsibility to recompense the academy for its services during the Revolution.

In 1792, during George Washington's first term in office, the citizens of Newark sent a committee to obtain of Congress an indemnification for the academy in this town, burnt by the British troops, and also to transmit to those gentlemen documents respecting the experiences of said building and its being burnt as aforesaid because it was occupied as a guardhouse by the American troops.

As you know, Congress rejected the academy's claim. I can say nothing to excuse this longstanding injustice, except that it occurred under a previous administration. I can only suggest that perhaps Newark Academy deserves recognition, not only as a pioneer in the field of education, but as one of the earliest proponents of Federal aid for school construction.

I. EDUCATIONAL STANDARDS AND NATIONAL SECURITY

I am sure you all appreciate the educational principles which this academy has stood for

throughout its history. The fact that your parents have made the sacrifice necessary to send you here is sufficient witness to their own belief in the overriding value of a truly sound liberal education which trains the mind and develops the character. I commend their wisdom.

The objectives of the academy were once described by Dr. Farrand as being:

"To develop the whole boy; to teach him to think straight in lessons and in life; to enable him to attain bodily health through physical training; to instill high ideals of character—honesty, thoroughness, industry, independence, courage and fair play."

Dr. Farrand was concerned with educating the whole boy, not with training specialists for any particular field. I am reminded of the views of my own father who was a physician—a general practitioner. He saw real danger in the tendency, even as early as the second decade of this century, toward too exclusive specialization in medicine. He recognized that specialization was necessary due to the rapid development of medical science and the accompanying growth of knowledge about the human body. But he deplored the passing of the general practitioner who studied and knew the whole patient, and was concerned with the health of his outlook on life and his personality as well as the health of his body.

Your great academy has held to the same tradition in the field of education. As one who has been closely associated with the theory and practice of education for many years, both as a college preceptor and administrator and, for the last 14 years, as a member of the Senate Committee on Labor and Public Welfare which deals with education legislation, I firmly believe in the soundness of these objectives.

I have long been convinced that schools such as this, which carry such a heavy responsibility in the training of future leaders, are a vital bulwark of the national security.

Unless we greatly expand the existing opportunities for this kind of education, our country simply will not have enough highly trained highly educated men in future years to meet the demands of our growing economy or maintain the vitality of our democratic processes or uphold our position of leadership in the struggle of the Free World against communism's atheistic totalitarianism.

For these very important reasons, it should be a matter of prime concern to all Americans that a top-quality education is readily available to all who have the capacity for it. Therefor I think it is fitting today to pay tribute to this Academy and the excellence of its standards.

II. THE PRIVILEGE OF A SOUND EDUCATION

I wonder, though, how many of you realize just how privileged and fortunate you are to have such a firm educational foundation?

It occurs to me that, in your accustomed pace of strenuous study, work and play, you may never have stopped to consider that all too few boys your own age in this country have fully shared your experience. Too many of them finish school without having really learned how to apply their minds, without having actually discovered for themselves the excitement and the challenge of intellectual achievement.

These are the most important things you have learned here, where the primary academic function is college preparation.

These are the things which must be learned in order to meet the demanding pace of college life successfully; yet too few are so well equipped as you.

Since the shock caused by Russia's Sputnik I, we in Washington have been endeavoring to explore the weaknesses in our educational system in this country as compared with Russia, and to work out a plan which would provide greater opportunities for boys and girls with outstanding talents. Our hearings have provided impressive and sometimes startling testimony as to the areas which need strengthening in our public schools. Let me cite some of the statistics which were presented in order to point out how you students in this excellent institution have been particularly privileged:

1. I learn from your catalog that all Newark Academy graduates have had at least 2 and generally 3 years of a foreign language. Many of you have had experience with a second language, but less than 15 percent of the students in our public schools take any foreign language at all.

2. You have all taken at least 4 years of mathematics, up through intermediate algebra, and many of you have probably had trigonometry and solid geometry, but 2 out of 3 high-school students never advance far enough in mathematics to take intermediate algebra, and 7 out of 8 never take trigonometry or solid geometry.

3. You have all had 2 years of general science, and you have very likely taken physics and chemistry or biology, but 3 out of 4 high-school students never take physics, and 2 out of 3 never take chemistry.

4. You have also had 5 required years of English, which should have given you a love of literature and equipped you with the tools of self-expression. From all the history you have studied, you have gained a knowledge of the past to help you understand the present. Your elective courses have introduced you to the profound pleasure of music and the arts.

5. In September, every one of you will go on to college to continue your education, but you are all in a decidely privileged minority here, too. Only about a third of the 1,400,000 graduating seniors in the public and private high schools of this country will enter college this fall.

Of those who do not go to college, a shocking number are perfectly able to do college-level work. Each year there are about 200,000 of them—boys and girls in the top 30 percent of their senior class, who will never matriculate at college despite their proven ability.

Yes, you are indeed privileged.

Of course, you may not have had the opportunity to take some of the courses which some of your less academically-privileged friends may have had. The offerings which have been denied you and which are available in other curricula include such intellectually stimulating subjects as co-educational cooking, problems in dating, and personality adjustment.

The fact that such extras have often been allowed to take the place of basic, academic subject matter injects an odd, Alice-in-Wonderland quality into the serious examination of present-day educational problems. Appropriately enough, that remarkable book accurately portrays the same sort of overemphasis on electives taken to the point of absurdity. Here we find the Mock Turtle proudly boasting that he has had "the best of educations":

"I've been to a day-school too," said Alice. "You needn't be so proud as all that."

"With extras?" asked the Mock Turtle, a little anxiously.

"Yes," said Alice: "We learned French and music."

"And washing?" said the Mock Turtle.

"Certainly not," said Alice indignantly.

"Ah, then yours wasn't a really good school," said the Mock Turtle.

Even though you may have been denied a good schooling according to the Mock Turtle's standards, I imagine you have been able to pick up washing and a number of other extras on your own time at home, or during the time allotted for extracurricular activities.

You have worked hard at your studies, both at school and in your own homes: the catalog states that homework assignments average at least 2 hours a day, and many of you probably feel this to be an understatement. Here again, you have not been permitted to fall victim to the all-too-prevalent Alice-in-Wonderland attitude toward school work:

"And how many hours a day did you do lessons?" said Alice.

"Ten hours the first day," said the Mock Turtle: "nine the next, and so on."

"What a curious plan," exclaimed Alice.

"That's the reason they're called lessons," the Gryphon remarked: "because they lessen from day to day."

Please do not mistake my remarks for another one of those overgeneralized and underinformed attacks on American public schools. I make no attempt to belittle the tremendous job the great majority of our schools are doing. I firmly believe in the American public-school system and its great aim of education for all. However, it is clear that the number of students who never go on to college to develop their talents more fully represents a considerable waste of brainpower in our educational system.

III. THE OPPORTUNITIES FOR THE FUTURE

You are unusually fortunate, then, that your parents and teachers have provided you with such a splendid preparation for college. If you do not take full advantage of the opportunity and the challenge which higher education offers, they cannot be blamed. How are you going to use your opportunity, and what are your plans to meet the challenge?

You may have read reports of a tightening job market for college graduates, or heard rumors of an oversupply of men in this or that field. Possibly you think you had better forget about a particular field of study which interests you, and choose courses in one of the more practical departments to prepare yourself for a career which happens to be in current demand.

I must advise you to discard such thoughts. Unless you are already committed to a field which requires rigid academic preparation you can only dilute your education by concentrating on the narrow vocational subjects.

It is true that the job market has some temporary surplus areas. At the same time, we know that the growth of our population and our economy in the years immediately ahead will produce an unprecedented demand for highly trained, highly educated personnel of all kinds—not in just a few categories of specialists like science and engineering, but in teaching, law, medicine, and all areas of knowledge. The shortages which already exist in some of these fields are serious enough to handicap the national security effort.

It is also true that due to the decline of the birth rate during World War II, the total supply of manpower from which the Nation must make up its shortages in the next 1 or 2 decades is smaller, in proportion to the total population, than at any time in recent generations.

The example of your own age group dramatizes this situation in a startling way:

Our 1958 population of 171 million includes about 2,300,000 18-year-olds. Consider that this is 400,000 less than the number of 18-year-olds in the United States in 1940, when the population was only 131 million.

Twenty-two years from now, in 1980, it is estimated that our population will have grown to 250 million. Those 2,300,000 persons who are 18-year-old students today will then be 40—roughly the age at which men are expected to assume positions of leadership.

This means that there will be an almost inconceivable scarcity in the leadership age groups 20 to 25 years from now.

This also means, of course, that you are privileged in another way that I am sure you

never suspected. By the time you reach the age of peak performance in the competition for positions of leadership, the opportunities created by our national growth will be greater than ever before, while the number of top competitors will be considerably smaller than they are today.

Your special privileges of age and education should give you special reason to make the most of your education in college. Expand your knowledge and explore your academic interests as broadly and deeply as you are able. You have served your intellectual apprenticeship and acquired the necessary mental tools; now you must learn to master them and use them to develop your full potentialities.

I believe this is what Thomas Jefferson meant when he declared that all the "higher degrees of genius" should receive a higher education. I am not inferring that you all fall into this category, although it is truly said that there is some genius in all of us. Nevertheless, what he said is appropriate here:

"I do most anxiously wish to see the highest degrees of education given to the higher degrees of genius, and to all degrees of it, so much as may enable them to read and understand what is going on in the world, and to keep their part of it going on right, for nothing can keep it right but their own vigilant and distrustful superintendence."

Jefferson was emphasizing the Nation's need for an informed citizenry, but I am particularly interested here in his phraseology stressing the duty of this citizenry to exert on behalf of their country a "vigilant and distrustful superintendence."

The word "distrustful" is used not in the sense of negative suspicion, but in the positive sense of an inquiring and investigative mind, insistent on forming and expressing its own opinions rather than accepting uncritically the prevalent or official opinion. The point is that Jefferson could only rely upon truly educated men to perform this service.

The investigative mind is, after all, the unique product of a successful education. Education is not a matter of pumping a given quantity of information into a given number of students. It is a matter of developing the investigative mind, the mind which understands that learning does not end in college, but continues throughout life.

The development of the investigative mind is an academic achievement which is independent of the honors lists, and is more important than any extracurricular, athletic or social success you may have at college. It spells the difference between mental stagnation and inspiration.

But let me add one further and more important word. The training of the investigative mind alone, as vitally important as it is, is not the final answer to life's problems. Our forefathers came to this country to find freedom and to govern themselves under the guidance of Almighty God. It was their underlying spiritual faith which spurred them on. It was their faith which gave them the inspiration and the strength to establish this great Nation. Their faith was the foundation of their freedom.

My warm congratulations go out to you privileged young people. Use your privileges to help guide your generation to the basic truths that make man free.

PROGRESS WITH THE SALINE WATER CONVERSION PROGRAM

Mr. CASE of South Dakota. Mr. President, in the New York Times of June 15, 1958, appeared an article entitled, "Gains Made in Desalting of Sea Water," written by Richard Rutter.

The article tells what America is doing to meet its growing water problems. One course of action is to convert sea water into fresh water, and Mr. Rutter points out the progress which has been made in that regard.

The Senate recently passed a joint resolution, cosponsored by the Senator from New Mexico [Mr. ANDERSON] and myself, which would authorize the construction of five desalination plants to process sea and brackish water. Because they recognize the importance of such a program to our future survival, I am sure all Members of Congress will be interested in Mr. Rutter's article. Therefore, I ask unanimous consent that it be printed in the RECORD, following these remarks.

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

[From the New York Times of June 15, 1958]

GAINS MADE IN DESALTING SEA WATER

(By Richard Rutter)

In the future—not so long, as time is measured—Americans will be taking the "water cure" on a mass scale. That does not, however, presage a large drop in the intake of hard liquor.

Rather, it means that many communities, industrial plants and other organizations probably will be using fresh water distilled from the sea. This is already the case in certain areas of the world, notably the water-short Middle East and West Indies. But in this country the process is still largely in the experimental stage.

Such tests are being stepped up—with good reason. The supply of fresh water, like other natural resources, is not limitless. The day must come when other sources must be tapped.

Some telling statistics underscore this. The United States is consuming between 250 billion and 265 billion gallons of water a day. Within 20 years, according to Government estimates, this consumption will have doubled as the economy and the population grow apace. By then, there will be a major decrease in local water reserves, and, in some areas, supplies will have been exhausted.

The solution? Conservation is part of the answer. But all the experts agree that converting sea water into fresh will play an important role, too.

That was why, in 1952, Congress passed the Saline Water Act, which set up the Office of Saline Water in the Department of the Interior. In 1955, the program was extended by amendment and the agency is now in the midst of a 10-year, $110 million research and development program.

BIG PROBLEM IS COST

The big problem is one of cost. The Interior Department's present goal is to bring that for distilled water down to about 60 cents a thousand gallons, compared with the present range of about half that for fresh water.

Progress is being made. Recently, for instance, a huge centrifugal compression still was installed at the International Nickel Co.'s plant in Wrightsville Beach, N. C. Built by the Badger Manufacturing Co., 100-year-old Cambridge, Mass., engineering concern, the installation towers 30 feet and can convert 50,000 to 75,000 gallons of salt water a day into 25,000 gallons of pure distilled water.

The still was conceived in principle by Dr. Kenneth C. D. Hickman, a chemist of Rochester, N. Y. In tests at Cambridge, it produced 1,000 gallons of distilled water an hour from an input of 3,000 gallons of salt water. Robert E. Siegfried, a Badger engineer, reports:

"Ten years ago we were able to desalt 1,000 gallons of ocean water for $5. Today, we can do the job for close to $1.50.

"In the next 10 years, we hope to narrow the cost gap between distilled ocean water and the 33 cents a thousand gallons a suburban Boston family pays for household water, or the 15 to 30 cents a Western farmer pays for irrigation water."

There are at least a dozen known methods of converting salt into fresh water, but all involve energy—usually heat or electric power.

At the North Carolina still, salt water at a temperature of 125° F. is sprayed on the inside of a rotating drum. The drum's centrifugal force spreads the water over the surface as a thin, turbulent film. Some of the water evaporates, while unevaporated brine is drawn off through a scoop. The water vapor leaves the drum by a pipe, where a blower compresses it. It is then circulated to the outside of the drum where it condenses and gives up its heat. The condensed vapor is collected as distilled water.

Research is being conducted on flash evaporators. In this system, water at a given pressure and temperature is released into a chamber of slightly lower pressure, where the liquid flashes into vapor and is then condensed. The Cleaver-Brooks Co., of Milwaukee, and the Griscom-Russell Co., of Massillon, Ohio, among others, are working on flash evaporators.

A New York University scientist, Prof. Maria Telkes, has developed a 10-stage still that operates entirely on solar heat. It is a sandwich-like arrangement of alternate absorbing and condensing layers.

SYSTEM IN BERMUDA

The Maxim Silencer Co. of Hartford, Conn., is a pioneer in high-efficiency evaporating plants. One has been installed in the Castle Harbour Hotel in Bermuda, where it produces fresh water from sea water at a rate of 15,000 gallons a day. An added feature is that the hotel's hot water is heated in the plant.

The Westinghouse Electric Co. has completed what is said to be the world's largest sea-water evaporator plant. It is in the Sheikhdom of Kuwait on the Persian Gulf and produces 2,500,000 gallons a day by the flash-evaporator method. The capacity is expected to be doubled by the end of this year.

Another Cambridge, Mass., concern, Ionics, Inc., removes salt from water by an electrical process. Molecules of salt and minerals are broken into particles or ions and then strained out through plastic membranes.

Other desalting processes involve ultrasonics, osmosis, nuclear fission, and freezing.

Salt-water-conversion units are in use on ships, at Armed Forces bases, in cooling atomic reactors, and in the manufacture of chemicals.

But the great potential—for transforming arid stretches of this country and for solving a coming serious water problem—remains to be realized. Undoubtedly, it will be.

Mr. CASE of South Dakota. Mr. President, under the provisions of the basic Saline Water Conversion Act of 1952—Public Law 448, 82d Congress, second session, as amended—the Department of the Interior was given the responsibility of carrying forward the saline water conversion program. David S. Jenkins, director of the saline water conversion studies, has been in direct charge of the program, under the supervision of Assistant Secretary of the Interior, Fred G. Aandahl.

An article giving the current information on the program to date was prepared

in the Office of the Assistant Secretary, and has just been made available to Reclamation News, the monthly publication of the National Reclamation Association.

I ask unanimous consent that the review of the program be printed in the RECORD, following my remarks.

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

SALINE WATER CONSERVATION PROGRAM SHOWS PROGRESS

The intriguing possibilities of using converted sea water to support life in plants and animals have engaged the interest of men for many years. The first successful use of sea water for drinking water is lost in antiquity, but probably antedates by 200 years or more the Rhyme of the Ancient Mariner:

"Water, water everywhere
Nor any drop to drink."

Evidence of the use of distillation appears as early as 1593, when Sir Richard Hawkins is said to have used a still for fresh water supply while en route to the South Seas. Other references trace the development of the simple still for shipboard use down through the 18th century.

Some 167 years ago, Thomas Jefferson, then Secretary of State, wrote a treatise on the subject of distillation. To determine the merit of the process by experimentation, he asked the help of the American Philosophical Society, the College of Philadelphia, and the University of Pennsylvania. A certain Mr. Isaacks, as the story goes, "fixed the pot, a small caboose, with a tin cap and straight tube of tin passing obliquely through a cask of cold water; he made use of a mixture, the composition of which he did not explain, and from 24 pints of sea water, taken up about 3 miles out of the Capes of Delaware, at floodtide, he distilled 22 pints of fresh water in 4 hours, with 20 pounds of seasoned pine, which was a little wetted by having lain in the rain."

Such scholarly and historical interest in salt water conversion was abruptly put to the test of urgent practicability by the onslaught of World War II. The many cases of persons afloat in small boats brought about by the aircraft and surface-ship casualties resulted in a surge of experimental work in this field. British and American investigations explored a number of possibilities and the Armed Forces adopted the use of cans of fresh water and plastic bags for chemical freshening of sea water.

Meanwhile, the exploitation of mineral deposits in arid areas such as Chile, the concentration of population in semiarid regions such as Palestine and our southern California, and the heavy pollution of our rivers have at various times further stimulated the consideration of demineralizing saline waters.

In 1929, for example, we find mentioned the use of condensate from a coal mine powerplant in Kentucky. This installation is reported to have produced about 40,000 gallons per day of distilled water. A triple-effect plant for Kuwait on the Persian Gulf was fabricated in 1949 with a capacity of about 700,000 gallons per day.

An extended drought in California aggravated the water problem in that semiarid State during the 1930's and 1940's and resulted in the introduction of proposals to the Congress for appropriations of funds to study the various methods of demineralizing sea water.

Thus, we find scattered instances of man's earlier endeavors in this field.

Reflect for a moment on some of the published statistics on our water uses in this modern age. Eighteen thousand gallons of water to make a ton of ingot iron; 65,000 gallons to convert this ton of iron into steel; 7,000 gallons for a barrel of gasoline; 160 gallons for a pound of aluminum or a pound of synthetic rubber; 3,600 gallons for a ton of coke. On the farm, a pound of beef on the hoof has required 3,750 gallons of water for the steer and the grass he eats; and a slice of bread including the growing of the grain has used 37 gallons of water. In our homes and farms and factories, the use of water amounts to 1,500 gallons a day for each man, woman, and child.

By 1975, with a population of 220 million, we may be withdrawing for use as much as 440 billion gallons a day of this precious resource—almost double our present use. The present upper limit of our water supply is the average runoff, nearly 1,200 billion gallons a day.

On the whole, then, the water supply of the country is adequate. But because the supply is variable in time, in place, and in quantity, national and yearly averages do not reveal the cold fact that many localities and regions have serious supply problems. The recent drought in the Southwest made it dramatically clear that water shortages may have a devastating effect upon the people and the economy of a region. The social and economic distress caused by failing public supplies is another painful reminder that our people must maintain an alert interest in their local water supplies, present and future.

The consumption of natural resources has increased out of all proportion to our increase in population. From 1900 to 1950 the population of the United States doubled, but the consumption of power increased 11 times, the production of all minerals increased 8 times, and the consumption of electrical energy about 60 times.

In addition to the growing deficiencies in the quantity of readily available water, the natural salinity of many of our inland streams and underground waters together with the effects of expanded irrigation, industry, and population have created a national problem of water quality. While acute localized shortages had been suffered in certain locations, it was not until the need for improvement of the many brackish inland waters arose in addition to the possibility of converting ocean water that the problem was viewed as a national one.

In 1952, the 82d Congress enacted Public Law 448. This act authorized the Secretary of the Interior to provide for the development of low cost processes for converting saline water to fresh water for agricultural, industrial, municipal, and other uses. This program is under the Office of the Assistant Secretary of the Interior for Water and Power Development and is administered through a small administrative and scientific staff in the Office of Saline Water. The information being presented here is derived from the reports and publications of that office.

The authorized program was designed to encourage private research and development in this general area and to assist such private effort by means of a program of Federally financed research and development contracts where private activity alone did not seem to be making sufficient progress. Public effort both local and Federal was to be coordinated for the purpose of accelerated research and development.

In 1955 by amendments to the 1952 act, the original small program was extended in time to a total of 14 years from the date of the original act and expanded in scope through increasing of the authorization from $2 million to $10 million over that period, 1952–66. So far, $2,850,000 has been appropriated. It is evident that this program, which has cost about one-half million dollars annually for 6 years, cannot be compared with large Federal programs that the Congress has authorized on a basis of urgency. Moreover, the present program is restricted to serving needs within the United States.

With a view of obtaining the greatest practicable participation of private knowledge and skill, an active campaign was developed at the outset of the program to bring together all existing and new ideas on conversion methods for research and development, and to enlist the cooperation of engineers, scientists, and organizations in exploring these ideas and methods. A brochure, Demineralization of Saline Waters, was compiled and distributed, outlining all known phenomea or processes that might be considered for saline water conversion. Interests so developed was further stimulated by publications, addresses and other contacts with scientific groups.

Some results of this stimulation of technical interest became apparent. At the recent International Symposium on Saline Water Conversion, held in Washington in November 1957, more than 300 scientists and engineers, working in this field, from 16 countries in addition to the United States, took part, presenting 39 scientific papers, which brought out a large number of scientific ideas and views.

Experience has shown the need for a proper perspective on the costs of conversion of saline waters. At the outset of our program, we analyzed the cost estimates made by advocates of the various processes. It was found that few of these early estimates, if any, included all actual costs. Further, many such estimates of 5 or 6 years ago represented optimistic extension of laboratory results to future large-scale application. Thus, for example, it was estimated that projected large-size distillation plants utilizing processes then in commercial production could convert sea water to fresh water at a cost of $1.25 to $1.50 per thousand gallons of product. Overlooked by some was the fact that such large-scale operation had not been actually accomplished. The actual cost of large output conversion of sea water today by conventional processes is from $2 to $3 per thousand gallons. Even in recent months, optimistic announcements of conversion costs running as low as 20 cents per thousand gallons have been made, but these also have been carefully investigated by the Department and have been found to represent only a minor portion of the total costs.

The most promising of the conversion methods now under development include several distillation and membrane separation processes, and one form of salt-water separation by freezing. For these, pilot-plant work is needed, and in part is already in progress, to explore their economic feasibility and potential fields of application. Other processes, still in the laboratory, are recognized as justifying further investigation. Still other approaches to conversion have on investigation been found to lack sufficient promise of practical value.

Laboratory and economic study to date has narrowed the field from some 20 phenomena or processes to 5 broad groups: (1) Distillation through artificial heat; (2) solar heat distillation; (3) separation of salt water by membrane processes, of 2 or possibly 3 kinds; (4) freezing; and (5) other chemical or electrical means of separation, including solvent extraction.

It has been ascertained that the various potential processes are suited to different conditions, as they offer partial answers to the complex overall problem of providing fresh water from different saline sources, in different locations, for different uses, and in different quantities. Some processes may be best adapted to supply of an individual farmstead or home, others to furnishing millions of gallons per day to a city or an industry.

As one result of the work under the Saline Water Conversion Act, 3 new or improved

distillation methods are under pilot plant development or ready therefor, and several leading industrial companies are taking part in further development. Electrodialysis using ion-exchange membranes, which 5 years ago was little more than a laboratory phenomenon, is now a commercial reality, and other membrane processes are about to enter the pilot plant phase. The possibilities of separation by freezing had received some attention at the beginning of the program, but entrapment of brine in the ice crystals was an unsolved difficulty; since then, research had developed a successful ice-washing process, and a composite freeze-evaporation cycle has been sufficiently tested for pilot plant design. One of the attractive features of this process is the smaller quantity of energy required for freezing as compared to that for evaporation.

Two modified distillation processes, one based on vapor-compression, the other on multiple-effect evaporation, progressed to initial field testing in December 1957. The former is represented by the Hickman rotary still as designed to produce 25,000 gallons of distilled water per day. The other test is directed toward scale prevention, for application to a distillation cycle proposed by W. L. Badger utilizing long tube vertical evaporators. Test units have been installed at a seashore location at the test station of the International Nickel Co., Harbor Island, N. C. There is strong indication that the conversion cost will be less that $1 per thousand gallons.

Membrane processes became increasingly important, particularly for conversion of brackish waters, with the availability of improved membranes at lower cost for electrodialysis. Field tests in Arizona and South Dakota had shown a year ago that electrodialysis equipment can be operated satisfactorily on several types of brackish water, but it is now clear that it will be necessary to develop lower cost equipment. Work to this end is being undertaken at the Bureau of Reclamation laboratories in Denver, where evaluation tests of membranes are also under way.

Solar-heat distillation, which has demonstrated its feasibility and its usefulness as a conversion process under appropriate conditions, is also circumscribed by high costs of installation and maintenance, and will depend for extension of use on reduction of these costs.

Separation of salt water by freezing has been found most promising when embodied in a conversion process which uses vacuum evaporation in combination with ice formation. Results so far obtained are sufficiently promising to warrant pilot-plant development. Several other potential conversion processes are still in the laboratory state.

Private industrial firms have been developing and improving distillation equipment for a considerable period without Government assistance. Many such conversion units are in use on shipboard and several much larger land-based installations are supplying potable water to industry and populations in over a dozen locations throughout the world.

Private industry has furthered the conversion of saline water more recently by improving distillation processes, developing electrodialysis equipment, and in producing greatly improved ion-selective membranes. Many firms have also contributed advice, cost information, new ideas, data on fabrication costs, and similar aid to the Department in its evaluation of equipment and practical application of new processes and devices.

A number of manufacturers have announced their intention of developing processes in the future that might produce potable water for about $1 to $1.50 per thousand gallons, although present costs of the most recent commercial conversion plants using sea water range from about $2 to $3 per thousand gallons.

As we view the broad field of salt-water conversion, we question whether any radical or sudden advances in technology can be expected that would bring about a drastic reduction in the cost of conversion. We look instead for a gradual reduction in costs—through the development of new or improved processes by way of the pilot-plant stage, and through much more basic and exploratory research.

Progress so far has been most encouraging. The next step in our work, in addition to the continuation of basic research and small pilot-plant experimentation, is the construction of large pilot plants for the more promising processes. We are confident that with the continuing support of the saline-water conversion program by the Congress and the continuing activity of the numerous non-Federal interests in this field, the age-old objective of obtaining fresh water from salt water will surely be attained.

DECORATION OF LT. COL. JESS A. VILLAMOR, UNITED STATES AIR FORCE, BY PRESIDENT GARCIA, OF THE PHILIPPINES

Mr. GREEN. Mr. President, the visit of President Garcia, of the Philippines, to Washington has done a great deal to further the common interest between our country and this important young Republic. A particular event which occurred on June 19, last, at the Pan American Union during the course of a reception for President Garcia highlights the unity of history and friendship which bind us in a close relationship, one with the other. On that evening President Garcia conferred upon Lt. Col. Jess A. Villamor, United States Air Force, an American citizen and local resident, the Philippine Medal for Valor and the Distinguished Conduct Star for heroic services rendered during the course of our mutual war against tyranny and aggression in the Pacific in 1941 and thereafter.

The war exploits of Colonel Villamor are well known in the Philippines and twice earned for him the award of the Distinguished Service Cross from the United States. That the Government of the Philippines chose to award this high honor, comparable to our Congressional Medal of Honor, to him here in Washington through the agency of its President is a symbol of the good will which marks our relationship with one another.

I congratulate Colonel Villamor and his family. I offer for inclusion in the RECORD the official citation for these awards which appropriately recites the achievements of this truly great Philippine and American soldier.

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

AWARD OF THE MEDAL FOR VALOR

By direction of the President, pursuant to paragraph 2 a, section I, AFPR G–131051, this headquarters, dated January 21, 1954, the Medal for Valor is hereby awarded to: Lt. Col. Jesus Antonio Villamor, O888172, United States Air Force, for conspicuous courage and extraordinary heroism above and beyond the call of duty during the period from December 27, 1942, to November 1943. With the fall of Bataan and Corregidor to the Japanese Imperial Army Forces early in the summer of 1942, radio communication with other parts of the Philippines by General MacArthur's Headquarters in Australia was rendered impossible. But the few men who escaped from the Philippines and were able to reach Australia brought the welcome news that the guerrillas were operating against the Japanese all over the Philippines. Although in the summer of 1942 General Headquarters Southwest Pacific, began to receive messages from guerrillas in the Philippines, General MacArthur was not sure that the messages actually came from the guerrillas. To clear all doubts, General MacArthur decided to get in touch with members of the resistance movement in the Philippines, and for this purpose he enlisted the services of Lt. Col. Jesus Antonio Villamor to return to the islands. Notwithstanding the knowledge that such a mission was fraught with hardships, difficulties, and risks to his own life, Lieutenant Colonel Villamor nevertheless volunteered to lead the first Allied Intelligence Bureau mission to the Philippines on December 27, 1942, aboard the United States submarine *Gudgeon*. Despite the heavy hand of the Japanese all over the Philippines at the time, Lieutenant Colonel Villamor had successfully established an intelligence and secret service net throughout the islands; established a chain of communications, both local and to Australia, many of whom were still in direct contact with General MacArthur's Headquarters during the Philippine landings in 1944; coordinated with guerrilla leaders, and as a result an eventual escape route to Australia to accommodate evacuation of selected individuals in the interest of future planning was arranged, while petty differences among guerrilla leaders were settled amicably; was able to develop and train a potent organization for subversive activities, propaganda, limited resistance and sabotage against the Japanese; established the rudiments of the intelligence and secret service set up the cell system for mutual protection; and successfully made an intelligence survey throughout Luzon, Visayas, and Mindanao to obtain information about Japanese political, military, and civil intentions, strength and dispositions. Altogether, these accomplishments of Lieutenant Colonel Villamor had enabled General MacArthur's Headquarters to map out the strategy that was to be employed later in the liberation of the Philippines from the enemy. In accomplishing these tasks of incaluable strategic importance, Lieutenant Colonel Villamor had once again manifested daring resourcefulness and long-sustained courage in the face of tremendous odds that had characterized his exploits in Philippine skies during the early phase of the war. By these achievements, Lieutenant Colonel Villamor had earned for himself the enduring love and respect of his countrymen and had rendered service of inestimable value to the allied cause.

By order of the Secretary of National Defense:

ALFONSO ARELLANO,
Lieutenant General, Armed Forces of the Philippines, Chief of Staff.

AWARD OF THE DISTINGUISHED CONDUCT STAR (WITH BRONZE ANAHAW LEAF EQUIVALENT)

By direction of the President, pursuant to paragraphs 9 and 10, section I, AFPR G–131051, this headquarters, dated January 21, 1954, the Distinguished Conduct Star with Bronze Anahaw Leaf is hereby awarded to Lt. Col. Jesus Antonio Villamor, O888172, United States Air Force, for acts of conspicuous courage and extraordinary heroism in action in the face of a numerically superior enemy. This officer, then captain in the Philippine Army Air Corps, led a flight of three pursuit planes to engage in aerial combat a strong Japanese Air Force over the former Zablan Field, Quezon City, on December 10, 1941. By his conspicuous example of courage and leadership, and at great personal hazard beyond the call of duty, his

flight was able to rout the attacking planes, thereby preventing appreciable damage to materiel in Zablan Field.

Lieutenant Colonel Villamor is also awarded the First Bronze Anahaw Leaf to the Distinguished Conduct Star for extraordinary heroism in action against a numerically superior enemy air force over Batangas Province on December 12, 1941. During the attack by some 54 Japanese bombers on the airdrome at Batangas, on that day, Lieutenant Colonel Villamor (then a captain) took off from that field leading a flight of six pursuit planes and engaged the enemy. By this heroic action against enormous odds part of the attacking planes were driven off, one enemy plane was destroyed by fire from Lieutenant Colonel Villamor's plane.

For these daring achievements, Lt. Col. Jesus Antonio Villamor was conferred the Distinguished Service Cross with an Oak Leaf Cluster by the United States Government.

By order of the Secretary of National Defense:

ALFONSO ARELLANO,
Lieutenant General, Armed Forces of the Philippines, Chief of Staff.

BINATIONAL CULTURAL CENTERS IN LATIN AMERICA

Mr. GREEN. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a letter sent to me on May 17, 1958, by Clifford Neal Smith, an American citizen who resides in Caracas, Venezuela. I also ask unanimous consent to have printed a letter sent to me by the Honorable George V. Allen, Director, United States Information Agency, commenting on Mr. Smith's letter to me. Both of these letters will, I know, be of interest to my Senate colleagues.

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

UNITED STATES INFORMATION AGENCY,
Washington, June 16, 1958.

The Honorable THEODORE FRANCIS GREEN,
United States Senate.

DEAR SENATOR GREEN: Because I consider the binational cultural center activity such an important and effective part of our program in Latin America, I have read with special interest the letter from Mr. Clifford Neal Smith which you forwarded to me for comment.

Early last month during a short visit to Caracas a member of the USIA/Washington Latin American division met with Mr. Smith, who is the locally hired American director of the branch center in question. At that time Mr. Smith reiterated his belief that the new branch should reach more people in the Catia section of Caracas by offering elementary Spanish and some social work. Before commenting directly on this proposal, I would like to say a few words about the Caracas center and the way we work with these binational cultural organizations throughout Latin America.

Over many years the Centro Venezolano-Americano has developed an outstanding reputation for effective cultural contribution. This is a private organization, and we are proud to be associated with it in stimulating closer ties between the two countries. After successful operation in its downtown headquarters, the Centro established a branch in the eastern part of the city and later a second branch in Catia for the specific purpose of reaching the less-privileged population of that area. The Centro has now agreed in principle to establish a third branch, this one to be located near the Central University to facilitate the participation of university students in English language courses and a varied cultural program.

In each of these major efforts we have worked closely with the Centro, providing advice, materials, and two professional American teacher-administrators to help the board of directors in running the centers. In this connection, you will be interested to know that our USIS staff in Caracas is now negotiating with a group of people in Maracaibo for the establishment of a new binational cultural center in this second-ranking city of Venezuela. The latest statistics we have here show nearly 3,700 students enrolled in the existing three centers in Caracas. This figure should increase sharply with new centers at the university and in Maracaibo.

Our long-range purpose in assisting binational centers is simply this: by working together with like-minded local citizens and resident Americans we help create and maintain an essentially cultural organization, private in character and nonprofit, which over the years can grow into a respected institution of influence serving the community in ways which enhance good relations between its own country and the United States. We are now cooperating with 72 such centers in as many different cities throughout Latin America. Approximately 125,000 people are now studying at these centers. There are between 30 and 40 new centers being developed.

English teaching is a prime activity not only because of the great demand for such instruction but also because modest student fees accumulate into substantial income, eventually enough to make the organization self-supporting in local expenses. Over many years of experience we have found that this is essential to the further sound growth of a binational center. The income of these 72 centers in local currency is the equivalent of about $2 million a year.

Class instruction and participation in many cultural activities, including use of the library of American books in the center, are not limited to any particular class of people. We do not seek out the country-club set or comfortable white-collar workers. A professor of economics recently on tour through a number of Latin American countries was tremendously impressed with binational centers, especially by the effective manner in which they reach the emerging middle class, which is the political force of the future.

Location, of course, has much to do with the type of person who participates in a center. For this reason many centers are purposely located in midtown to be as accessible as possible to a wide range of people. In a typical classroom or lecture group one finds the daughter of a well-to-do family seated beside a young store clerk who is studying English in order to get a better job. However, the decision to establish a branch in the poorer section of Catia, away from the downtown area, was made deliberately in order to facilitate reaching in Caracas the group described by Mr. Smith as the critical masses of poor Venezuelans.

I am sure that Mr. Smith is correct about the need in Catia for teaching the ABC's in Spanish and providing some social work. The question is whether the binational center is the best device for this purpose. In spite of the poverty and illiteracy of the area, we estimate that there is in Catia more demand for English instruction, cultural pursuits, and information about the United States than the branch center can handle. We believe it wiser to concentrate a tested device on this segment of the Catia population, which is past the ABC stage and above the need for basic social work, rather than to divert the center into different pursuits for which it was not designed.

The present deep resentments in Venezuela are due in part to the plain fact that in a country of great wealth the average Venezuelan has not had a fair shake. First and foremost, however, this is a problem for Venezuelans and the Venezuelan Government. We in USIA and other agencies of this Government can help and stimulate, but to little avail unless leaders in public life and in business recognize their own responsibilities.

I do feel strongly, however, that the United States in its foreign relations can and should do more to identify itself with the aspirations and constructive efforts of peoples abroad who are moving into positions of influence. As I am sure you agree, this is a very long-range task requiring steady persistent work.

Sincerely,

GEORGE V. ALLEN, *Director.*

CARACAS, VENEZUELA,
May 17, 1958.

The Honorable THEODORE F. GREEN,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I write to you as a longtime American resident of Venezula and one who has been active in the furtherance of friendly relations between the United States and Venezuela through teaching and television. I have been deeply shocked by Mr. NIXON'S reception in this country.

Perhaps as disturbing as this evidence of unfriendliness toward the United States has been the protestation on the part of responsible Venezuelans that only a small sector of the population was involved. My own observation is, rather, that this sector was passively supported by a very large segment of Venezuelans.

What has actually gone wrong between our two countries? Have the recent import restrictions on Venezuelan oil caused such resentment to the people of this country? Have the activities of the American companies been so contrary to the interest of the country? Or have the individual relationships of their American employees with Venezuelans been so arrogant and unfriendly? In all cases, and after an examination of my conscience, I can truthfully say no in each case.

Nonetheless, I do feel that the official organs of cultural relations between our two countries have failed—and failed in a way which is typically American. We, as Americans, make our appeals and gestures of friendship not to the critical masses of poor Venezuelans but to the thin upper crust of Venezuelans who, at any rate, are already committed to us for their own economic reasons.

The Centro Venezolano-Americano, the United States Information Agency's binational center in Caracas, after 17 years of service to the country-club set and the comfortable white-collar workers of Caracas, only recently set up a branch in one of the poor sections of the city. When it was suggested that this branch could reach more people not by our traditional teaching of English but by the teaching of the ABC's in Spanish accompanied by some social work, the idea was indignantly turned down by local United States Information Agency officials as not meeting the program objectives of the Centro. It might be added that these officials remained adamant even though the suggestion was approved by the Cenatro's board of directors, which includes some of the most distiguished Venezuelan citizens and resident Americans.

Nor can the North American Association or the American Chamber of Commerce show a better record. The American Church (interdenominational), although a powerful moral force in the English-speaking colony and a somewhat desultory purveyor of old clothing to needy immigrants, cannot honestly say that it made a concerted effort to help even the poor in the creek bottom immediately behind the church.

And so it is that the very sincere American effort to make friends abroad ends only in something akin to incest—in an appeal not to the poor and untouched but to the rich who are already related to us by family ties of wealth and intellect.

Is this not the secret to our failure abroad and to the success of the Communists?

Very truly yours,

C. N. SMITH.

PROHIBITION OF REMOVAL TO DISTRICT COURTS OF ACTIONS COMMENCED IN STATE COURTS

Mr. JOHNSON of Texas. Mr. President, if there are no Senators who desire to address the Senate——

Mr. CASE of South Dakota. Mr. President, has morning business been concluded? I desire to make a statement about an amendment to the housing bill, but it will take more than 3 minutes.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Morning business has not been closed.

Mr. JOHNSON of Texas. Mr. President, if there is no further morning business, I ask that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, morning business is closed, and the Chair lays before the Senate the unfinished business, Senate bill 1615.

The Senate resumed the consideration of the bill (S. 1615) to prohibit the removal to district courts of the United States of actions commenced in State courts under State workmen's compensation laws.

HOUSING AMENDMENTS

Mr. CASE of South Dakota. Mr. President, the subject of military housing is one which comes under the purview of two different committees. The Committee on Banking and Currency has been interested in the subject of military housing as a part of a national-housing program. There have been two different programs instituted. One was called the Wherry housing program, which has been succeeded by the so-called Capehart housing program.

The same matter necessarily has been one of concern to the Committee on Armed Services, because the committee has the responsibility of dealing with military housing and any program which provides housing that takes the place of military housing.

I understand in section 704 of a bill which has been considered and reported by the Committee on Banking and Currency it is proposed to amend section 404 (c) of the housing amendments of 1955, Public Law 1020, 84th Congress. If my understanding of the proposed amendments is correct, they would impose a very serious change in the procedure of the United States district courts in dealing with the acquisition of so-called Wherry housing.

Under the amendments previously made to the housing law, and particularly under the housing amendments of 1955, the law requires that before a Capehart housing project can be approved or authorized, existing Wherry housing still owned by private corporations must be acquired.

In 1955 and subsequently the Congress established a formula for the acquisition of such housing. First of all, it was expected there would be an attempt to negotiate with the owners of Wherry housing, and that a price might be agreed upon which would be satisfactory to both the owners and the Government. Then we provided an alternative, whereby if a satisfactory price were not agreed upon, the taking of the housing would come to pass and the fixing of the compensation would be made by the Federal court, the same as is done in an ordinary condemnation proceeding.

Now, however, stated simply, the amendment proposed to the bill, to which I have made reference, would, as I understand, require the District Court, instead of considering the matter directly, to name a commission of 3 members, 1 of whom would be selected from a panel to be submitted by the owners of the Wherry project.

That, Mr. President, would institute a drastic change, not merely in the acquisition of Wherry projects, but a drastic change in the operations of the United States District Courts.

I have had prepared a memorandum relative to this amendment by the Department of Justice, which is greatly concerned by these proposals because of what it would do to the practice of the United States District Courts. I must say my initial concern grew out of what it would do in the matter of acquiring Wherry projects on a basis which would adequately protect the interest of the Government.

The changes the amendment proposes are three: First, when the Department of Defense has exhausted its efforts to acquire a Wherry project by negotiation and institutes condemnation proceedings, the court will appoint a commission to determine just compensation. Second, the commission would have to include 1 person from a panel submitted by the Secretary of Defense, and 1 member from a panel submitted by the owner of the property. Third, the commission would be directed and required to give full consideration to replacement costs and fair depreciation. Apart from these provisions, the commission would be governed by the Federal Rules of Civil Procedure.

I am told this amendment was adopted by a subcommittee of the Committee on Banking and Currency during an executive session, and that there have been no hearings on it, although there have been written comments by the Department of Justice and the Department of Defense.

The Department of Justice, in its comments, points out that under the rule-making statute of 1934, title 28 United States Code Annotated section 2072, the Supreme Court has the power to prescribe the practice and procedure of the district courts of the United States, subject to the approval of Congress, and that this proposed amendment has not been considered by the court or any of its advisory committees. Thus, a Congressional policy which has been followed for more than two decades would be abandoned in this one type of case. I believe that this complete disregard of an established and workable procedure should be undertaken only after the most careful consideration.

In my own State of South Dakota we have a number of land-taking cases growing out of the land required for construction of several large dams on the Missouri River. The cases have presented such a load to the court that it, on its own motion, in some instances has designated a commission to operate under the direction of the court for evaluating the land to be taken; but in each instance the commissioners are named by the court as the agents of the court and are not named as the representatives of any of the parties to the taking.

The objectivity of that Commission is maintained in strict accord with the principle of objectivity which is presumed to exist in the case of an action by the district court itself. Further than that, the findings of the Commission are subject to review by the Federal judge of the district court.

In this housing matter, however, if I correctly understand the purport of the proposed amendment, the three commissioners would make a final determination under the direction of the amendment, although two of the commissioners would be representatives of the parties in interest rather than being objective commissioners selected for their objectivity and ability to decide impartially.

In its comment upon the amendment, the Department of Justice further indicates that the proposed amendment would completely eliminate the right to a trial by jury. While it has been the practice in some cases for the determination of just compensation to be left to a commission, as I have indicated, a jury trial is so widely accepted as the best method of determining this issue that it should not be abandoned casually. Indeed, apart from the fact that the exclusive use of a commission in these cases would constitute a drastic innovation, it would not, in the view of the Department of Justice and a number of courts, including the Supreme Court of the United States, reduce delay and expense, but on the contrary would substantially increase them.

I might say in this connection, Mr. President, that I asked the Corps of Engineers a year or so ago to give me a comparative study showing the relative differences between the appraisals of the Corps of Engineers or their agents and the findings of the Commission, as contrasted with the findings of the court itself, where takings took place in the Missouri River cases. Almost without exception the findings of the Commission resulted in giving a higher award than was given by the court. Since that has been the actual practice as a result of using a commission which was objective, I have grave fear that if there is used a commission which is representative of the parties the cost to the Government may be even greater.

The increased cost to the Government as a result of using a Commission was one of the factors I cited when the Sen-

ate had before it for consideration the bill to provide for a second Federal judge in South Dakota. It was my belief at the time that the creation of authority for a second judge would eliminate the necessity for using a Commission in many instances, and consequently would save money for the Government.

The Department of Justice in its memorandum states that the transcripts of Commission hearings contain much improper evidence a court would not have received, that the reports frequently could be expected to base awards on improper findings of fact, and the proceedings would be exceedingly long and costly.

The Department of Justice also objects to the manner of selecting the commissioners; and a procedure under which parties to a lawsuit can determine who shall hear the case is certainly a novel one. However, the most important objection to the proposal lies in the fact that the Commission is directed to give full consideration to replacement costs and fair depreciation.

Mr. President, the Wherry housing projects for the most part were built a number of years ago. To require now that a special commission shall give full consideration to replacement costs would provide for a built-in escalator clause for the cost to the Government. It would be a built-in direction, despite the fact that in the first instance the Wherry housing sponsors had the benefit of an insured or guaranteed loan by the Federal Government, with practically a built-in guaranty of profit. It would now provide a guaranty that the sponsors of the original Wherry housing projects should get a benefit, by selling the projects for more than the cost to them of construction of the project at the time it was built plus a fair consideration for any cost of maintenance less depreciation. The sponsors of the Wherry housing project would receive a directed benefit from any inflation which may have occurred in building costs since the project was built. It could become windfall by legislative direction.

That is the provision which particularly alarmed me. It ignores the question of what is a proper measure of compensation in a given case under the rules ordinarily obtaining in a Federal Court, and utterly disregards the principle that the determination of just compensation is a judicial rather than a legislative question.

In this instance, Mr. President, the provision would take the determination of just compensation from the court and make it a legislative matter, by a directive to the Commission which is to be created by parties in interest.

The Supreme Court of the United States has repeatedly and consistently held, as in the case of the *United States* against *New River Collieries* (292 U. S. 341, in 1923), that—

> The ascertainment of compensation is a judicial function, and no power exists in any other department of the Government to declare what the compensation shall be or to prescribe any binding rule in that regard.

The amendment in the housing bill would provide for upsetting what has been regarded as a proper judicial function, and would seek to legislate a rule with regard to just compensation. Accordingly, I cannot acquiesce in the adoption of a proposal such as this, and I hope that the section will be deleted by the Committee on Banking and Currency from the bill, either when the bill is called up for consideration or before it is called up for the consideration of the Senate.

Furthermore, with respect to the merits of the whole matter, Mr. President, I invite attention to the fact that when the Committee on Armed Services arrived at the original formula and inserted it in the law, the committee provided that either party could take the matter to court under a condemnation procedure. This allowed the courts to decide the fair market value in the event of an argument, which procedure was consistent with the time-honored method of Government acquisition of property under eminent domain in accordance with the principles of the fifth amendment to the Constitution.

At the time this matter was considered, or at the time the military construction bill was reported to the Senate a year ago, I invited attention to the fact that we had observed some windfall profits and something of a scandal in connection with some of the Wherry housing construction. I expressed the hope that we would have no more occasion for public concern on that point. I myself was not enthusiastic about providing that the cases might go to court. I thought if the Wherry projects were to be sold to the Government the formula provided for their acquisition was fair, and that if the sponsors did not want to sell the projects they could retain them and get the profit which would accrue from their administration.

However, when the formula was proposed it seemed to me that perhaps the court would provide what might be considered an equitable alternative, so I did not object, knowing that at least the courts would proceed to consider the matter objectively.

I have this memorandum which was prepared by the Department of Justice, which challenges the new proposal on different points. First, it is stated that the proposal is outside the framework of the rulemaking statute of 1934.

Second, the mandatory requirement for the appointment of a Commission ignores the right of the parties to the proceeding to obtain a trial by jury.

Third, the delay and expense which the Department has encountered in the trial of condemnation cases before commissions makes it doubtful that the mandatory references would be in the interest of expedited action.

Fourth, there is a directive that the commission "shall give full consideration to replacement costs and fair depreciation."

In concluding its observations the Department of Justice had this to say:

> Since replacement costs or reproduction costs less, depreciation may be proper subjects for consideration in a Wherry condemnation, but cannot under the fifth amendment be made the sole test of just compensation, such language would not serve any useful purpose in an acquisition statute. The use of such standards is a matter to be determined by the courts in each case on its facts. Furthermore, if such provision were considered to be the sole measure of compensation, it might result in a commission ignoring other proper measures of value, such as comparable sales of similar property, capitalization of income, etc.

I ask unanimous consent that the memorandum prepared by the Department of Justice be printed in the RECORD at this point as a part of my remarks. I earnestly commend the memorandum to the consideration of members of the Banking and Currency Committee, as well as Members of the Senate as a whole.

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

MEMORANDUM RELATIVE TO A PROPOSED AMENDMENT TO SECTION 404 (c) OF THE HOUSING AMENDMENTS OF 1955 RELATING TO CONDEMNATION OF WHERRY ACT HOUSING PROJECTS

There is now pending before the Senate Committee on Banking and Currency a proposal which has been adopted by the committee's Subcommittee on Housing which would amend section 404 (c) of the housing amendments of 1955, Public Law No. 1020, 84th Congress, 70 Stat. 1091, which authorizes the acquisition of Wherry projects by the Secretary of Defense, or his designee. The drastic changes which this amendment would make in the rule 71A (h) of the Federal Rules of Civil Procedure are of such nature that its enactment should be strongly opposed.

The proposed amendment would be accomplished by the insertion of additional language between the second and third sentences of section 404 (c) without changing any other provisions of the section. It reads as follows:

"In any such condemnation proceedings, and in the interest of expedition, the issue of just compensation shall be determined by a commission of three persons to be appointed by the court. One of the persons to be appointed shall be selected from a panel of qualified, disinterested persons submitted by the Secretary of Defense, or his designee, and one of the persons so appointed shall be selected from a panel of qualified, disinterested persons submitted by the owner of the property with respect to which the proceedings are instituted. Any commission appointed hereunder shall give full consideration to replacement costs and fair depreciation."

This amendment would be applicable to any proceeding in which a final adjudication had not been made on the date of the enactment of the proposed amendment.

There are several serious objections to the instant proposal. First, the proposal is outside the framework of the rule-making statute of 1934, act of June 19, 1934, as amended (28 U. S. C. A. sec. 2072), which provides that the Supreme Court shall have power to prescribe the practice and procedure of the district courts of the United States, subject to the approval of Congress. The instant proposal has not been considered by the Court or any of its advisory committees. Thus, Congressional policy which has been followed for more than two decades would be changed by the enactment of the proposed amendment to rule 71A (h).

Second, the mandatory requirement for the appointment of a commission ignores the

right of the parties to the proceeding to obtain a trial by jury. Since the adoption of rule 71A (h) the courts have recognized that litigants in a condemnation proceeding have the right of trial by jury of the issue of just compensation except only in extraordinary and exceptional cases. (*United States* v. *Cunningham* (246 F. 2d 330, 332 (C. A. 4, 1957)); *United States* v. *Bobinski* (244 F. 2d 299 (C. A. 2, 1957); *United States v. Chamberlain Wholesale Grocery Co.* (226 F. 2d 492 (C. A. 8, 1955), cert. den. 350 U. S. 989 (1956)).) Prior to the adoption of rule 71A (h) and pursuant to the Conformity Act and the Condemnation Act of 1888, jury trials were the rule in the district courts sitting in approximately 41 States either in the first instance or on appeal from the award of commissioners. In four other States and in many instances in others, the judge either would impanel a jury or would hear the case himself. Since the determination of just compensation by a jury is so widely accepted as the best method of determining just compensation, the rights of the litigants who would be affected by the instant proposal should be preserved. Certainly the discretion which is now vested in the courts to refer a case to a commission where there are strong reasons for such a reference should be maintained. Only a judge with knowledge of the facts and circumstances of a particular case can decide if the circumstances are so unusual that a litigant should be denied his right to a trial by jury.

Third, the delay and expense which the Department has encountered in the trial of condemnation cases before commissions make it highly doubtful that the mandatory references to a commission will be, as stated in the proposed amendment, in the interest of expedition. As stated by Chief Judge Clark, a member of the committee which drafted rule 71A, concerning references to commissioners which were made in *United States* v. *Bobinski* (244 F. 2d 299, 301 (C. A. 2, 1957)):

"Unwarranted use of commissioners, like similar use of masters, is an effective way of putting a case to sleep for an indefinite period. *La Buy* v. *Howes Leather Co.* (352 U. S. 249, 253, note 5), quoting Chief Justice Vanderbilt. Certainly the misadventures of this case and of *United States* v. *44.00 Acres of Land* (2 Cir., 234 F. 2d 410), certiorari denied, *Odenbach* v. *United States* (352 U. S. 916), do not speak well for a course substantially repudiated in the State as well as Federal procedure."

The "putting to sleep" and the "misadventures" characterization is well supported by the lengthy records and delay in the *Bobinski* and *44.00 Acres of Land* cases. These two cases have their counterparts in *United States* v. *Cunningham, supra,* and *United States* v. *Buhler* (decided April 29, 1958, C. A. 5). In the two latter cases commissioners were appointed in 1955, and are still in litigation with no prospect for an early conclusion. All of these cases and several others which have been tried to a commission indicate that it is very difficult to obtain a judicial determination as required by rule 71A by such a body. The transcripts of commission hearings are invariably encumbered by much cumulative and otherwise improper evidence which never would have been received over appropriate objections if offered in the presence of the court, and too frequently the reports which are made do not contain proper findings as to basic facts and principles of law which were applied in arriving at the award. Also, there is a tendency on the part of commissions to adjourn their sessions to attend to their private affairs. Such a procedure invites long protracted hearings which result in excessive costs for commissioners and increased costs to the Government on deficiency judgments.

The fourth objection is to the provision which states that any commission appointed "shall give full consideration to replacement costs and fair depreciation." This is a mandatory provision. It is open to the interpretation that it is to be applied as a measure of compensation in every case. This ignores whether or not such measure is a proper legal standard in a given case, and the principle that compensation for the taking is a judicial question. The courts have held the necessity for the taking a legislative question, the use being public, but that the compensation for the taking is a judicial question. In *Monongahela Navigation Co.* v. *United States* (148 U. S. 312, 327 (1893)), the Supreme Court said, with reference to the measure of compensation (p. 327):

"But this is a judicial and not a legislative question. The legislature may determine what private property is needed for public purposes—that is a question of a political and legislative character; but when the taking has been ordered, then the question of compensation is judicial. It does not rest with the public, taking the property, through Congress or the legislature, its representative, to say what compensation shall be paid, or even what shall be the rule of compensation. The Constitution has declared that just compensation shall be paid, and the ascertainment of that is a judicial inquiry."

And in *United States* v. *New River Collieries* (292 U. S. 341 (1923)), the Supreme Court said (pp. 343–344):

"The ascertainment of compensation is a judicial function, and no power exists in any other department of the Government to declare what the compensation shall be or to prescribe any binding rule in that regard."

Since replacement costs or reproduction costs less depreciation may be proper subjects for consideration in a "Wherry" condemnation, but cannot under the fifth amendment be made the sole test of just compensation, such language would not serve any useful purpose in an acquisition statute. The use of such standards is a matter to be determined by the courts in each case on its facts. Furthermore, if such provision were considered to be the sole measure of compensation, it might result in a commission ignoring other proper measures of value, such as comparable sales of similar property, capitalization of income, etc.

A fifth objection to the instant proposal is the novel panel method of selecting two of the members of the commission. The very nature of such a procedure which enables each party to the proceeding to place a person of its own selection on the commission invites difficulties. A commissioner selected by such a method would naturally feel an obligation to the party which named him, and this might lead such a member to be partisan not only in his judgment, but in the conduct of the proceeding. Such a procedure is not calculated to lead to the judicial determination of just compensation as presently required under the law.

Sixth, the proposed amendment is clearly special legislation for one class of property owners and, in view of its far-reaching effect upon existing law and procedure for the determination of just compensation, constitutes a bad precedent.

GEORGE JUDSON KING

Mr. MURRAY. Mr. President, late last Friday afternoon, George Judson King, a close personal friend of many Members of the Senate through the years, and a friend of people everywhere, passed away.

Judson King was the director of the National Popular Government League, established in 1913 after a national conference on popular government, by George Norris, Gifford Pinchot, and a Committee of Fifty who stood on the so-called liberal side of issues.

As director of the league, Judson was best known as the careful researcher and lucid writer who "passed the ammunition" in the fight for public power, for TVA and REA. His work and his services were far broader than that, as is pointed out in a splendid biographical article which appeared in the Nashville Tennessean on July 15, 1951. The article, By Bill Woolsey, showed that Judson King covered the fields of government, economics, literature, and philosophy, as well as the electric power field, in which he accomplished so much for the people of this land.

George Judson King was born in Waterford, Pa., on April 19, 1872. Left an orphan at 6 years of age, he was placed on a farm, leaving at age 17 to seek an education. He went first to a sectarian school in Pennsylvania and then to the University of Michigan. He founded the Denison, (Tex.) Morning Sun in 1902. Three years later he went back to Toledo, Ohio, to work with mayor "Golden Rule" Jones. When Jones died in 1905, King became an associate and advisor of Brand Whitlock, the lawyer- novelist-reformer who succeeded him.

King's interest in government reform and improvement led to several trips abroad, and ultimately to his work as director of the National Popular Government League, which continued for 35 years from 1913 until his death.

Judson King's home at Takoma Park, Md., has long been a most important information center for persons interested in the power issue. Judson and his wife, Bertha Hale King, his longtime partner in the league's work, collected a library of materials on the electric power industry, probably unrivaled anywhere. Out of it, Judson drew facts and supplied the ammunition for the fight to save Muscle Shoals, for TVA, for REA, and later against the liquidation schemes of the Hoover Commission, Adolph Wenzell, and the Eisenhower administration.

Judson was a tireless worker. He carefully documented his works and arrayed facts with such effectiveness that his bulletins were for years front-page news in the press of the Nation, effectively advancing the causes for which he worked. His research reports, given to many who served in the Congress, were, without exception, thorough, accurate, and effective.

Public power policy, especially as formulated during the administration of Franklin D. Roosevelt, reflected the work, thought, and guidance of Judson King.

Judson King's passing is a great loss; a loss to the people of the Nation, for whom he fought without compromise throughout his life; and an additional, personal loss to those of us who knew and loved him.

Mr. President, I ask unanimous consent that the Nashville Tennessean article, entitled "He Passed the Ammunition," be printed in the RECORD at this point.

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

HE PASSED THE AMMUNITION

(By Bill Woolsey)

That the private power lobby should still be scheming and spending to thwart publicly owned power systems nearly 20 years after the advent of the Tennessee Valley Authority may strike the new generation in TVA territory as surprising folly.

The activities of well-heeled lobbyists are an old story, however, to the man who knows, perhaps better than anyone else now living, how bitter was the battle to establish TVA.

Probably only a handful of Tennesseans have ever heard of Judson King and his 40-year service to the cause of public power.

"No one alive today was so important in bringing about the passage of the act which established the Tennessee Valley Authority in 1933," a friend in the Department of the Interior said of him recently.

"Jud King is the unsung father of TVA," another friend has stated flatly.

And the secretary and son-in-law of the late Senator George W. Norris paid this tribute to the 79-year-old King not long ago: "I know that Judson King's assistance to Senator Norris during the long Muscle Shoals fight was invaluable. Judson is rightly entitled to a great deal of the credit for the passage of that legislation; and that is only one of the many battles he has fought in behalf of the people. He is a valiant soldier."

For nearly half a century King has concerned himself with popular government. His concern became his profession; writing and lecturing—the vocations he ascribes to himself in Who's Who in America—have been his tools. "Probably no leader of the liberal movement in America today * * * has for so many years continuously battled for the rights of the common man as Judson King," says Barrow Lyons, chief field representative for the Interior Department's Bureau of Land Reclamation.

The long compaign, which King even at his most optimistic would not call an unqualified success, has brought him great prestige among a comparatively small but distinguished group of United States citizens; Members of Congress, including Senators Kefauver and Douglas; a President; conservationists like the late Gifford Pinchot; and such scholars as the late Charles A. Beard, Charles E. Merriam, and Edward Ross. It has not, however, brought him much money. At times, according to his friends, King's annual income has been less than $1,000. His admirers contribute that much or more to him each year at a birthday party. On the combined sum King and his wife, Bertha Hale King, live very modestly in a small frame house in Takoma Park, a Washington, D. C., subdivision.

The garage beneath the house has been remodeled as a library for King's books—including what may be the largest privately owned collection of information on public power in the Nation.

By the time of the 1932 presidential election, Senator Norris and King, the latter through the National Popular Government league which he founded in 1913 as an organ of research and a reservoir of statistics pertaining to government and conservation, had been involved in the Muscle Shoals controversy since 1921. Three of Norris' attempts to legislate developments at Muscle Shoals had met defeat; the last attempt had been vetoed by President Hoover.

A few weeks ago Judson King described the strategy that followed this veto. "In January of 1932," he recalled, "I had a long conference with Senator Norris. We concluded that if President Hoover were reelected, Muscle Shoals most certainly would be turned over to the power trust. It seemed to us that Franklin D. Roosevelt, Governor of New York, was the only possible aspirant to the Presidency who could be trusted on that issue.

"We * * * made up our minds to set out to help him become the (Democratic) candidate. I got out a bulletin of the National Popular Government league in which I made it clear that F. D. R. stood out like the Washington Monument * * * above all the men in the running. I went up to Hyde Park to talk with him and to assure myself that this was true and got his unqualified promise of support for public power.

"I'm not taking credit for the nomination of F. D. R., but I feel very certain that the Popular Government League as well as Senator Norris contributed substantially to his nomination by making his stand on the power issue known to the delegates."

Although King's command of facts and figures relating to public power and the growth of popular government (i. e. the initiative, referendum, recall, and direct election of Senators) is such that even in his 79th year he is called on to, as one friend has put it, "pass ammunition to the fighters on the Hill," the scholarly side of his nature is often the major impression carried away by new acquaintances.

A Tennessean from the heart of TVA country went to see him a few months ago. "We talked for two hours and didn't mention public power once," the visitor reported later. "He wanted to discuss Walt Whitman."

On other occasions King's callers have found their host eager to talk about religion, or the tragedy of Servetus, the 16th century physician who incurred the wrath of John Calvin and was burned at the stake for heresy, or the writings of Ralph Waldo Emerson.

Five shelves of King's library are devoted to books by or about the author of Self-Reliance. His partiality for the New England essayist is not surprising. Like Emerson, King wrestled with himself and his environment longer than most before his path was clear. He was born George Judson King in Pennsylvania in 1872 and orphaned by the time he was 6 years old.

As a youth he drifted to Michigan and for a time, while a student in a sectarian college, he thought of being a preacher. His interest in doctrinal theology waned. King decided to be a journalist. He took some courses at the University of Michigan, then went down to Texas in the earliest years of this century. He founded the Denison (Tex.) Morning Sun in 1902. Three years later he was back in the Middle West, this time in Toledo, Ohio, where "Golden Rule" Jones was mayor and advocating good labor relations for management.

King was 32 years old, "still in search of myself and * * * studying social problems." Jones died and in the campaign of 1905, Brand Whitlock, the lawyer-novelist-reformer, was elected to succeed him.

"We became intimate friends," King told an interviewer a few weeks ago. "I was a member of Whitlock's administration as secretary of the then incipient Toledo University."

As his preoccupation with governmental reform grew, King came into contact with other men of similar interests: Lincoln Steffens, Herbert Quick, and William Allen White. He edited the Independent Voter in Toledo. In 1913 he organized the first national conference on popular government measures, out of which grew the National Popular Government League. Among the men who have served on its executive committee have been Senator Norris and Gov. Gifford Pinchot, of Pennsylvania.

He went to Europe twice, in 1908 and 1916, to study political systems and city management. He was in Switzerland, where the initiative, referendum, and recall originated. He traveled through Germany, Belgium, England, and Scandinavia. In the latter countries, he interrupted his observation of the cooperative movement to lecture at the University of Christiana and in Sweden and Denmark on the progress of democratic government in the United States.

It was all a part of his self-education. ("He could tie Winston Churchill for the booby prize when it comes to earned degrees," his friend Barrow Lyons has commented.) King had learned, at firsthand in the cities of Ohio how the great public utilities corporations tended to subvert democratic politics; in Switzerland he learned how the people could control the power companies. His awareness of the importance of "white coal"—hydroelectric power—stems from his study of the Swiss Government's move in 1908 to federalize control of that power. Not until 1921, however, did the opportunity come to apply his knowledge at home.

By that time he had spent several years traveling through the United States speaking, organizing, encouraging—all on behalf of the new tools of democratic government, the initiative, referendum, recall, direct election of Senators, publicity for campaign contributions, and so on. In the end, 26 States placed laws for the initiative, referendum, and recall on their statute books. Something like 230 bulletins from the NPGL helped spread his stand on these issues, public ownership of power, and civil liberties.

In 1921 the question of the disposition of the World War I Muscle Shoals project suddenly made many Members of Congress and a sizeable number of voters interested in the issue of public power.

The steam plants and the partly completed Wilson Dam at Muscle Shoals were idle. Furthermore they were useless, or so many experts held, insofar as their original purpose was concerned—to produce cheap nitrates for explosives and, in peacetime, fertilizers. Postwar revelation of the German Haber process for extracting nitrogen from the air showed it to be cheaper and better than the cyanamide process for which Muscle Shoals had been developed.

Many good Democrats supported the stand that the Government had better lease the development and get out of both the power and fertilizer businesses. The private power companies were not much help. Muscle Shoals was too big for them, they protested—but they advised the Government to get rid of it somehow.

In July 1921, Henry Ford unexpectedly made his offer to lease Muscle Shoals, and the fight was on. That was when I got into the fracas, King says.

According to Senator Norris, "It was not * * * one struggle; * * * it was two * * * that irreconcilable conflict between those who believed the natural wealth of the United States can best be developed by private capital and enterprise and those who believe that in certain activities related to the natural resources only the great strength of the Federal Government itself can perform the * * * task in the spirit of unselfishness, for the greatest good to the greatest number."

Norris was chairman of the Senate Agricultural Committee. Because the Ford bid involved the manufacture of nitrates for fertilizer the proposal was referred to his committee.

The Nebraska liberal said years later, "I found myself confronted with a responsibility which I did not want." But whether or not he wanted it, the question of what to do with Wilson Dam was his; he went to work.

King, of course, was deeply interested. "I had seen," he says, "how the conservation movement in Switzerland had made use of the great water resources of that country and thus had saved coal. I knew that the ownership of American waterpower must be preserved * * * for the people."

In the course of a recent interview, the elderly public servant leaned back in his chair and fixed his eyes on the ceiling. Apparently he was summoning to mind the men and issues of those days.

"It was 'Cotton' Ed Smith, of South Carolina, who introduced the bill in 1916 which dedicated Muscle Shoals to the making of nitrates for explosives in the war and to making fertilizers for the American farmer in peacetime. In 1921, when bids on Muscle Shoals were asked for by Secretary of War John W. Weeks, I studied Smith's proposal carefully. I found he hadn't done a bad job.

"But Senator Wadsworth, of New York, didn't want this referred to his Military Affairs Committee because it was a hot potato. So it was tossed into Senator Norris' lap."

What King obviously regards as a regrettable defection by Newton D. Baker, Secretary of War under Wilson (a very interesting commentary on human nature, King says) was the former Cabinet member's appearance on the other side of the fence in the fight for Government ownership of the project that he, Baker, had for 4 years supported.

"It seemed strange that a leading liberal Democrat should be found representing the utility interests * * * while the Republican, Norris, was fighting for Government ownership. In the election of 1924, Muscle Shoals became a national issue and it was Norris who persuaded many of our good southern Democrats to stand fast * * * and support his power program."

One day Judson King hopes to write a history of the fight to establish TVA. He has already set down, at the request of the first TVA board, The Legislative History of the TVA. In the book he hopes to write, these words of his or something close to them, will undoubtedly appear: "* * * at critical times when bills giving away the Shoals either to the power trust or the great chemical companies without proper return to the Government were before Congress, they (the southern Senators) came to Norris' aid: McKellar, of Tennessee, Simmons, of North Carolina, Black and Hill, of Alabama, and Ransdell, of Louisiana."

He recites the list with pride but with a hint of disappointment in his voice as if he fails to understand why, when the issue is so clear and urgent to him, there are not more men for him to compliment as cohorts. One notices the same attitude among many tall men: they somehow don't believe that the rest of the world cannot reach as high as they can.

Mr. MURRAY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by the distinguished senior Senator from Tennessee [Mr. KEFAUVER] on Mr. King's death.

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

STATEMENT BY SENATOR KEFAUVER

I desire to associate myself with the Senator from Montana [Mr. MURRAY] in the sentiments he has expressed about the late Judson King.

I have known and worked with Mr. King, from time to time, for almost 20 years, ever since I first entered the House of Representatives as a Representative from Tennessee's Third District.

His devotion to the public interest was as great as that of anyone I have known in all the time I have been in Washington. I particularly found him to be an invaluable aid to me in connection with public-power matters. As a Representative from Tennessee, and then as a Senator, I have always taken a great interest in the Tennessee Valley Authority. In the early days, when we were charting new courses in the TVA, Judson King offered counsel which helped to carry us over the shoals.

I know that even before my time, he was working with the late Senator George Norris on this very matter.

It is inspiring to find a citizen so dedicated to the public interest as was Judson King. And when he is gone—when a good man dies—it leaves a void in the hearts of all of us.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The present occupant of the chair wishes the RECORD to show that he was a friend of Mr. King, and that he would participate in this tribute were he not presiding temporarily over the Senate.

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

Mr. MURRAY. I yield.

Mr. HILL. I wish to join the distinguished Senator from Montana in the tribute which he has paid to the late George Judson King. I was privileged to know Mr. King. I know how able, how thorough, how indefatigable, and how dedicated he was in waging the battle not only for the preservation of Muscle Shoals, that we might have the TVA, but also in waging the battle for REA, that the benefits and blessings of electricity might be carried to the farm homes of America, in waging the battle for the preservation of all our great water resources, and the battle for the conservation of all of America's God-given natural resources—water, land, minerals, forests, and all that touches and concerns human life.

Judson King worked tirelessly. He labored incessantly. The article from the Nashville Tennessean, which refers to him as "the man who passed the ammunition" is indeed a most accurate description of Judson King.

No general can fight a battle and no general can win a battle or win a war without having behind him an efficent and capable and devoted quartermaster. When the great and indomitable Senafor George W. Norris and his associates were fighting the battle to have Muscle Shoals, the Tennessee River and the mighty resources of the Tennessee Valley, not only for the people of that region but also for the benefit and the strength of the whole United States, it was Judson King who supplied the ammunition and who worked day and night, week after week, month after month, and year after year, that the soldiers on the firing line might have the ammunition which they desperately needed and which they had to have in order to win the battles and, in the end, the war.

We in Alabama have ever been grateful to Judson King for all he did for TVA and for the Tennessee Valley and the people who live in that valley and I emphasize that in working for the Tennessee Valley he was also working for all the people of the United States.

America has lost a great and devoted public servant. We shall miss him. But we shall carry in our hearts to the end a deep sense of appreciation of the courageous and dedicated Judson King, who fought so hard to the very last in the struggle to preserve America's great resources and in behalf of her welfare and the strength and happiness of her people.

Mr. NEUBERGER subsequently said: Mr. President, I was presiding over the Senate at the time, earlier today, when tributes were paid by the distinguished Senator from Montana [Mr. MURRAY] and the distinguished Senator from Alabama [Mr. HILL] to the late Judson King, of the National Popular Government League. Like these able Members of the Senate, I, too, was a friend of the late Judson King. I should like to have the RECORD show that if I had been on the floor of the Senate at that time, rather than presiding temporarily over the Senate, I would have joined the Senator from Alabama and the Senator from Montana in everything they said in tribute to the late Judson King.

Judson King was a citizen of foresight, wisdom, and courage.

Mr. MORSE subsequently said: Mr. President, every man, woman, and child in the United States who uses electric power owes a debt of gratitude to the late Judson King.

Judson King and his library have been an important arsenal for 35 years in the fight against extortionate electric-power rates and for the public-power yardstick operations like TVA, Bonneville Power Administration, and the Nebraska public-power system. His studies and reports on the Ontario hydroelectric system, his dissemination of facts about the power monopolists in the United States, his aid and advice to lawmakers and, during the Roosevelt administration, to the executive agencies, have benefited every citizen of this land.

Judson King has served two full generations of lawmakers and he will yet serve another generation for he has left an unpublished work, The Genesis of the Tennessee Valley Authority which is to be published soon. This book is in reality a review of Federal power policy, and the men who have made it, from Theodore Roosevelt through the administration of Franklin Roosevelt.

Judson King will be missed across this continent but his works, reflected in TVA, REA, and our public-power program, and his many written documents will live on for many generations. We shall miss him.

Mr. SPARKMAN subsequently said: Mr. President, earlier today some of my colleagues on the Senate floor paid tribute to the memory of the late Judson King. It was my good fortune to know Mr. King when I first came to Congress. I had the privilege of sitting in many conferences at which he was present. Mr. King had a masterful control of facts and figures as they related to conservation, flood control, power development, river improvement, and matters of that kind.

A great deal of the success which has come to our Nation in the development of its natural resources is due to the fine work of and the careful study and

planning given by Mr. Judson King, and by him transmitted to the President of the United States, members of his Cabinet, persons in the executive departments, and Members of Congress.

Mr. King rendered great service to his country; and I, along with my colleagues, deplore his passing.

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

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REVERCOMB. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

THE PROBLEM OF INFLATION

Mr. BENNETT. Mr. President, the Senate Finance Committee recently completed its hearings on the financial condition of the United States. The sessions, held from June 18 through August 19 last year and during April of this year, were intended to be the first full-dress examination of our fiscal and monetary policies since the one conducted by the Aldrich Monetary Commission in 1908. As a member of the committee, I sat through almost every session of the hearings and heard most of the testimony.

In the absence of a formal report, I wish to present my own personal impressions of the material presented to the committee and the ideas developed in the questioning. I do this in the belief that the material covered in these hearings should be of interest to every Member of the Senate. The hearings shed light on some of the most basic problems of our economy, problems with which we in Congress are concerned every day, and which affect every person in the United States. Rather than summarize these hearings in one long statement, I shall make several, of which this is the first.

The purpose of the study was outlined by the chairman of the committee, the Senator from Virginia [Mr. BYRD] in his introductory comments last year:

> To study the existing credit and interest situation and, more important, inflation which has started again with its ominous threat to fiscal solvency, sound money, and individual welfare. * * * This committee can never lose sight of the fact that the Government's integrity depends upon a stable currency * * *.[1]
>
> It is the committee's purpose to conduct an objective examination to clarify the situation and be helpful in the effort to avoid further inflation, and to establish sound fiscal principles flexible enough to meet possible recessions as well as increasing prosperity.[2]

The study as announced was to examine:

> 1. The revenue, bonded indebtedness, and interest rates on all public obligations, including contingent liabilities;
>
> 2. Policies and procedures employed in the management of the public debt and the effect thereof on credit, interest rates, and the Nation's economy and welfare; and
>
> 3. Factors which influence the availability and distribution of credit and interest rates thereon as they apply to public and private debt.[3]

The list of witnesses, both last year and this, was an imposing one. Last year George M. Humphrey and Randolph Burgess, then Secretary and Under Secretary of the Treasury, respectively, were the main witnesses; and Federal Reserve Board Chairman William McChesney Martin also appeared. This year the committee heard from elder statesman Bernard Baruch; Marriner S. Eccles, former Chairman of the Federal Reserve Board; William McChesney Martin again; Profs. Sumner Slichter and Seymour Harris, of Harvard University; and Dean Charles Abbott, of the University of Virginia, in that order.

In addition to verbal testimony, the committee sent a list of 17 questions on basic economic questions to outstanding economists, businessmen, and public leaders. Replies have been received—and published—from the presidents of the 12 Federal Reserve banks, the presidents of 28 United States corporations, 12 trade association leaders, and 17 economists. The questionnaire was also sent to veterans' organizations and to labor leaders John L. Lewis and George Meany, but they did not respond.

It is interesting to note that the two sessions of the hearings, last year and this, were held under entirely different economic conditions. The setting last year was one of inflation, characterized by full utilization of the labor force and a capital goods boom. Since that time we have experienced a business downturn, characterized by a slump in private capital investment and some unemployment.

In setting for itself the problem of investigating so many aspects of the financial condition of the United States, the committee left the door open for a discussion of a wide variety of issues. Therefore, it is not surprising that virtually every question or topic bearing on the Nation's finances was encountered and discussed. Nevertheless, in reviewing the printed record, I have been impressed by the fact that running through all the discussions was a single unifying thread, namely, the problem of inflation.

During last summer's sessions, when prices were rising fairly rapidly and most of our resources were fully utilized, much of the discussion centered around two questions: First, how could inflation be stopped; second, was the anti-inflationary action then being taken necessary or harmful? Concern over inflation did not diminish during the hearings this spring, despite the business downturn and a slowing down of the rate of the price rise. A scrutiny of the testimony and questioning during these later sessions will indicate that the major issues were, first, whether the anti-inflationary policy of 1957 was primarily responsible for the current business downturn; second, the extent to which antirecession action should take into account the danger of further inflation.

Because the general problem of inflation ran through all the hearings, it has naturally become the central theme of these reports. In fact, I am convinced that it has become our basic, long-time economic problem, and that until we, as a people, understand the danger it creates and take the necessary steps to stamp it out, we cannot count on a future of sound growth and prosperity.

The committee gathered a great variety of material on the general nature of the problem of inflation. I shall begin by reviewing this background information. Without such a review, it seems pointless to consider the separate, basic issues developed at the hearings.

To me, the most serious aspect of inflation is the moral one. Inflation is essentially a process by which someone attempts to get something for nothing, a disguised form of theft, in which the poor and helpless are the first victims, but which can eventually engulf a whole economy. It is a narcotic which produces the illusion of prosperity and growth, and conceals the real damage. The committee devoted little or no time to this aspect of the problem, probably because most of its members are in agreement that inflation is an evil, whether it be judged on moral or on economic grounds. Instead, most of the time was devoted to the definition and mechanics of inflation.

In its search for information in this field, the committee literally began at the beginning. Throughout the entire course of the hearings, the committee sought to find a workable definition of inflation. Most of the witnesses were asked for, or volunteered, a definition. In addition, a request for a definition was included among the questions sent to business and university economists and to the presidents of the Federal Reserve banks. The committee never attempted to make a final selection from all the answers; but I think it probably true that by the end of the hearings the simplest of all the definitions gained the most acceptance; namely, that inflation is simply a general rise in prices.

In looking over all the definitions of inflation suggested at the hearings, I am impressed by the fact that many of the witnesses agreed that inflation is basically a phenomenon of money. For example, Mr. Baruch defined inflation as an abnormal and disproportionate increase of money and credit in relation to the production of goods and services. At other times during the hearings, inflation was defined as a flow of spendings in excess of the flow of goods and services, or too much money for the goods and services offered, or too many dollars chasing too few goods. On the other hand, it should also be noted that inflation was described by some witnesses as being a result of pressure on costs, particularly wage pressures. Thus, Professor Slichter, of Harvard, rejected the monetary definition as inaccurate, and added that the recession is helping the public see more clearly than ever that rising wages are a principal cause of

[1] Investigation of the Financial Condition of the United States, hearings before the Committee on Finance, United States Senate, 85th Cong., pp. 1–3.

[2] Ibid., p. 5.

[3] Ibid., p. 1.

rising prices.[4] Similarly, Dr. Abbott, dean of the graduate school of business administration, of the University of Virginia, emphasized that our current problem is a wage-push inflation.

Personally, I believe it is possible to oversimplify the statement of any specific cause of inflation. For that reason, I was impressed with the statement on the inflationary process, which was made by Chairman Martin, of the Board of Governors, in his appearance before the committee last summer. It was supplemented by an excellent account of inflationary processes, given by Mr. Edward Wayne, first vice president of the Federal Reserve Bank of Richmond. Neither of these presentations attempted to attribute the blame for inflation to one specific element. As Chairman Martin pointed out:

> Inflation is a process in which rising costs and prices mutually interact upon each other *over time* with a spiral effect. At the same time, demand must always be sufficient to keep the spiral moving.[5]

Although they were greatly concerned with the causes of inflation, the committee members spent very little time on questions having to do with its consequences. It is precisely here that its greatest danger lies. All of us are against it in theory, as we are against sin; but in practice some of us think we can profit by it. Too often Pope's lines on vice can also be used as an accurate description of our attitude toward inflation.

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

It is a simple fact that inflation results in a transfer of economic resources. Perhaps in theory we can imagine a situation in which as prices rise, all incomes rise at precisely the correct rate, and all money contracts change to just the right degree, so no loss is suffered by anyone. But in real life, such a situation does not, and could not, exist. There is simply no way to avoid the fact that in an inflationary process, some gain, on net balance, while others lose; and the losers are those least able to protect themselves or to make their voices heard: pensioners, savers, white-collar workers, small-business men, the great body of unorganized workers. One great trouble is that the transfer is involuntary. Resources are literally stolen from those who have no way of protecting themselves, and they are left without any claim to future output, or even the satisfaction of knowing that, if the levy had been in the form of a tax, others would also be sharing the burden.

If the only consequence of inflation were the slow, but insidious, transfer of resources from one group to another, some of us might possibly resign ourselves to the process, and might provide for relief, by way of legislation, for those affected by it. But inflation has other consequences. It provides a misdirected stimulus for business. Anyone who has been in business knows that sound business decisions are made within a framework of price stability; and that the principal beneficiaries of inflation in the business world are speculators and gamblers. Also, by destroying the use of money as a store of value, inflation stimulates the production of other items which can serve the same function. Thus, we must devote a part of our energies to the production of articles which we would not have needed in the absence of inflation. A good current example is the concentration of investment in partly filled office and apartment buildings in some Latin American countries—which capital is withheld from productive industry.

Finally, a creeping inflation must, in the absence of specific controls or other unwarranted interference by Government, become a runaway inflation. Even the inflationists fear this. When the times comes that a majority of the people throw up their hands in resignation and accept the inevitability of rising prices, inflation will immediately cease to creep, for just as soon as those who have a stake in inflation can be absolutely certain that society has become resigned to the process, we see the inevitable development of a completely destructive wage-price spiral. Said Ralph J. Cordiner, president of General Electric, in his reply to the committee:

> If creeping inflation were accepted as a permanent feature of American economic life, it would not create jobs; it would only feed on itself in a rising spiral of costs and prices. To accept creeping inflation, instead of using every possible means to combat it, would be to apply to our economy the greatest of all inflationary pressures—the pressure of inflation psychology. Expecting continued price increases, businesses and individuals would have a continuing incentive to spend their money before its value depreciated further, and would thus be tempted into a flight from money. The inadequate volume of purchasing characteristic of the current recession would be replaced by an increasingly excessive rate of spending, with far more destructive effects. The volume of savings would continually diminish, cutting off the only real source of investment funds. The efforts of businesses to continue expanding the volume of production and improving the attractiveness of their products, so as to maintain high levels of employment, would require continued expansion of money and credit. Thus the inflationary spiral and the profitless prosperity would be accelerated toward inevitable collapse.[6]

Professor Haberler, of Harvard University, had this to say regarding the dangerous creeping inflation:

> I admit that the present method of wage fixing and the attitude of the powerful trade unions, which expect every year a large wage rise exceeding the average annual increase of labor productivity, poses a serious dilemma. But the problem cannot be solved by acquiescing in a continuous rise in prices. The trouble is that when prices rise by only 2 or 3 percent per year for a few years in succession, more and more people become alarmed and take steps to protect themselves. The labor unions themselves, whose policy is largely responsible for the continuing rise in prices, will ask for larger wage increases (or insist on escalator clauses) when they see that their wage rises are swallowed up by rising prices. Hence soon the price creep will become a trot and the trot a gallop. This is simply an application of the homely truth that while you may fool all people some of the time and some (though not the same) people all the time, you cannot fool all people all the time.
>
> It has been objected to that argument that a galloping inflation is impossible in the United States. I am inclined to accept this proposition, but I submit that it misses the point. Why is galloping inflation impossible? Because the Federal Reserve will keep money sufficiently tight to prevent inflation from galloping away. But what the advocates of creeping inflation overlook is that after a while the mere attempt to keep inflation at a creeping pace (to prevent the creep from becoming a trot or a canter) will be suffering [sic] to bring about unemployment and depression. This is after all what happened last year. The advocates of creeping inflation themselves blame the tight-money policy for the present depression. I personally would say that it was a contributing factor—but let me, for argument's sake, accept the proposition that it was the main cause. Then it is indeniable that a policy which held the inflation at a creep—it did not do more than that—brought on unemployment and depression. If money had been less right, prices would obviously have risen even faster. Sooner or later the price rise had to be stopped or slowed down. It should be observed that if it had been stopped by fiscal measures (tax increases or lower Government expenditures) as some experts had recommended, the reaction would have been the same. In that respect monetary and fiscal policies are not different in their operation. If demand is controlled either by monetary or fiscal measures and wages continue to be pushed up, the consequence must be unemployment.[7]

When I say there seemed to be general agreement over the proposition that inflation is a situation which must be avoided, I do not mean to be understood as saying that there was total agreement on the degree to which it should be avoided. For example, the testimony of Professors Harris and Slichter quite clearly indicated only slight concern over inflation so long as the rate was slow. In addition, questioning by some of the members of the committee suggested a similar attitude. I shall expect to discuss this issue in more detail later.

To return now to the consideration of the general nature of inflation as it was developed during the hearings, I must say that one of the most significant conclusions I drew from the testimony is that inflation today as a problem is a great and increasing threat to our economy, with several new aspects.

I do not mean that the present inflation itself is of some hitherto unknown variety, but, rather, that the conditions under which we must combat inflation today are very different than anything we have faced before in this country.

The conclusion that our present inflation is dangerous was reinforced, in my opinion, by the testimony of Bernard Baruch. In the midst of a business downturn, when he could easily have been expected to direct his attention to-

[4] Ibid, pp. 1842–1843.
[5] Ibid, pp. 1262–1263.
[6] Investigation of the Financial Condition of the United States, Comments of Executives of Corporations in Response to the Questionnaire of the Committee on Finance, United States Senate, 85th Cong., ch. 2, p. 197.
[7] Ibid., ch. 5, p. 624.

ward other matters, Mr. Baruch made the flat statement:

> Inflation, gentlemen, is the most important economic fact of our time—the single greatest peril to our economic health.[8]

I think it is important that we look behind this statement to see why inflation remains our No. 1 problem.

If there is one thing which stands out above all else with respect to our recent history, it is the persistency of inflation and inflationary pressures. This development must reflect the fact that we are now facing new economic problems, for, contrary to some opinions, this country has not had a continuing and persistent inflationary condition until recently. I was happy to see this point developed by Chairman Martin during his questioning by the Senator from Oklahoma [Mr. KERR]. Mr. Martin placed in the record information on prices which reveal that over the period from 1800 to 1930, the trend of prices was generally downward. In other words, during the major portion of the life of this Nation we have had stable or declining prices. I refer my colleagues to page 1938 of part 6 of the hearings.

Although we did not have a persistent inflationary problem during the most of our history, I do not mean to imply that we had no problems at all. The basic difficulty was that the price level changed too suddenly and swiftly—first in one direction, and then in another. The erratic movement of prices was terribly serious. On some occasions price increases and consequent declines were so sharp as to stimulate the wildest and most reckless kind of economic activity. When this happened long periods of depression and economic distress always followed and we had panics, of which the years 1873 and 1893 are tragic examples.

It is noteworthy that during those periods prior to 1930 when we had price stability—and there were a number of such periods—as well as during some of the periods in which the price level drifted downwards, this Nation enjoyed a remarkable rate of economic growth. Today we hear much loose talk about the necessary relationship between inflation and growth, as if we needed the first in order to have the second. I challenge any one to find any period in the history of this country when we had price stability which was not accompanied by substantial economic growth.

If it is true—as I believe it to be—that we are today facing the old problem of inflation in a new and more dangerous setting, let us see what this setting consists of. In the first place there is the role of organized labor, a factor not present to any important degree before the 1930's, and which has only become really significant since World War II. Because of the growth in size and power of labor unions, we are now faced with continuous upward pressure on wage costs and thus prices, regardless of productivity increases. This development was cited by most of the committee's witnesses. For example, Dean Abbott noted that wage increases in excess of productivity "push up prices when, as is the case in this country, there is a flexible money supply."[9] Professor Slichter also took note of this situation, as did former Chairman of the Board of Governors of the Federal Reserve, Marriner Eccles, who said:

> The main cause of rising prices has been the use which labor union monopolies are making of their power to force up wages and numerous costly fringe benefits far in excess of increased productivity.[10]

There are several other aspects of this problem which, I believe, warrant notice. For example, it is important to note that if organized labor were required to depend only on its bargaining power to force wage increases in excess of productivity, the program would eventually fail. That is to say, costs and prices can be pushed up only so far before the public would become unable to purchase all the output and there would be resulting unemployment. Recognizing this, much of organized labor has placed itself squarely in the camp of the new inflationists, supporting monetary programs which will validate higher wages. Thus we have a two-pronged attack on price stability on the part of organized labor; and I think that we have perhaps paid less attention to labor's devotion to inflation than we should have done.

I do not wish to give the impression that all the blame for the wage-price spiral must rest with organized labor. Industry pricing policies and attitudes must also carry their part of the responsibility. As Mr. Eccles pointed out:

> Business generally has been willing to grant excessive demands of labor rather than face a strike, so long as it was able to pass on to the public the increased costs.[11]

Also, we must recognize that some business firms, because of their dominant positions, have the power to set prices which, within limits, are not immediately subject to traditional competitive forces.

It goes without saying that the entire question of the relationship between wages and prices deserves more attention than I can give it today. I am concerned only with the development of relatively new factors which have made inflation a major problem, and one such factor is the rise in the economic power of organized labor, unchecked by the traditional rules applied to business. This is a most significant new development.

Second among the factors contributing to our new inflationary problem is the changed role of Government. In many quarters the Employment Act of 1946 is interpreted as a virtual commitment on the part of the Federal Government to undertake expansionary programs at the first sign of a downturn. The act quite naturally reflected the fears of many people that the long depression of the 1930's would be resumed in the post-war period. Unfortunately the goal of price stability was not included in the objectives of the act, and because this was not done, the act seems to have had the effect of requiring the Government to act more vigorously when prices need to be raised, and less vigorously, if at all, when prices need to be lowered. As Dean Abbott put it:

> It seems clear that both these objectives (maximum employment and price stability) will not be achieved so long as one has the blessing of the Federal Government and the other does not.[12]

Another facet of the changed role of Government is the large place which Government expenditures occupy in the stream of our total national expenditure. Because so much Government spending is of a nature which cannot easily be changed, a business downturn always results in disproportionately lower tax receipts, and automatically produces a substantial Government deficit. On the other hand, during periods of prosperity in which inflationary pressures may be strong, it is difficult for the Government to have much of a surplus, since there are always strong pressures for still larger Government expenditures of tax reductions.

The third factor in our new inflationary problem is in many ways the most important, for it relates to the public attitudes which, in a democracy, ultimately determine our course of action. To put it plainly, inflation seems to be becoming acceptable. We had several illustrations of this attitude during the hearings held by the Committee on Finance. For example, Professor Slichter argued that inflation—as long as it proceeded at a slow rate—was not a particularly worrisome problem. As he put it:

> I do not think it is very dangerous. I think we are likely to have it and I think it is an important problem, but I would not use that expression "very dangerous." I would describe it as unfortunate.[13]

Professor Harris went even further when he appeared before the committee, indicating that he would be more or less content with a slow inflation so long as there was a larger proportional increase in output. His words were:

> I would be very happy with a 1-percent rise of prices and a 5-percent rise in output.[14]

On another occasion he made it clear that he was unconcerned over the loss which will be suffered by savers in inflation when he said:

> I wouldn't be unhappy about a 1-percent inflation, even if it does, say over 40 years, wipes out 50 percent of your savings, as it would.[15]

I might remark that although such a development might not make Professor Harris unhappy, the same cannot be said for the millions who depend on fixed incomes, many of them already at minimum levels. I am reminded of a remark

[8] Investigation of the financial conditions of the United States, hearings before the Committee on Finance, United States Senate, 85th Cong., p. 1635.

[9] Ibid., p. 2061.

[10] Ibid., p. 1695.

[11] Ibid., p. 1695.

[12] Ibid., p. 2062.

[13] Ibid., p. 1844.

[14] Ibid., p. 2030.

[15] Ibid., p. 2038.

made recently by Malcolm Bryan, president of the Federal Reserve Bank of Atlanta:

> If a policy of active or permissive inflation is to be a fact, then we can secure the shreds of our self-respect only by announcing the policy. This is the least of the canons of decency that should prevail. We should have the decency to say to the money saver, "Hold still, little fish. All we intend to do is gut you."

The importance of this changing attitude toward inflation was reflected in many ways during the course of the hearings. I am sure that I do injustice to no one when I say that the Federal Reserve Board was quite severely criticized by some of the Senators during the questioning last summer. Many of these criticisms reflected legitimate differences of opinion, but it was, nevertheless, quite apparent that in the eyes of some members of the committee the major fault of the Federal Reserve Board was that it was even attempting to fight the inflationary price rise which was then occurring, using the only means at its disposal. It is significant, also, that during the most recent committee sessions the only criticism which we heard from these same people with respect to the present policy of monetary ease now being followed by the Federal Reserve is that it had not gone far or fast enough. Thus, we had the ironic situation of hearings, held to determine what could be done to stop inflation, which devoted a large part of the time to criticism of a responsible agency which was attempting to do exactly that.

The increasing acceptability of inflation, or the opposition to any anti-inflationary program, was also illustrated by the frequent discussion during the hearings of the question of the compatibility of a policy of price stability and a policy of maximum employment. For my own part, I am of the firm opinion that the two goals are not only compatible, but go hand in hand; that we cannot have one without the other. I would agree, for example, with former Chairman Eccles, who said:

> I think they are equally important. * * * I would undertake to maintain a stable economy rather than having runaway inflation which will wreck employment and production * * * you have got to use such tools as you have through monetary and fiscal policy to prevent inflation * * * in the long run [this] will create more production and employment than if you do not do it.[16]

I believe that this viewpoint is shared by most of the witnesses and most of the persons submitting answers to the written questions prepared by the committee. Nevertheless, it was quite evident that there were some members of the committee, and perhaps one or two witnesses, who assign a secondary role to the goal of price stability and who believe that any attempt to achieve price stability will result in frequent or continuous unemployment. I merely observe that if one believes that price stability can only be achieved at the cost of unemployment and also believes that maximum employment should be the only goal towards which we should be striving, it must follow that one also is willing to accept inflation as a permanent fact of our economic life.

As I come near the end of this opening statement, I realize that I have not given a complete list of all the factors which have appeared in recent years to give the old problem of inflation a new face. One which was raised by some witnesses, and partially developed in limited questioning, referred to the role of the modern financial intermediaries outside the banking system; savings and loan associations, insurance companies, and finance companies. Dr. Abbott described these generally as "important financing institutions often governmentally sponsored, not subject to the credit policies or influence of the Reserve System." [17] Dr. Abbott also called our attention to the problem created by the fact that a large segment of the huge Federal debt has found lodgment in the banking system.

In other statements like this, I plan to discuss the role of the Federal Reserve Board in dealing with inflation through its responsibility for monetary policy, the effects on inflation of the policies of organized labor, and the impact of the present recession on the continuing inflation.

As I conclude this, the first statement, I want to say again, that the one thing that concerns me above all others is the apparent belief on the part of so many Americans that "easy money" which encourages "easy debt" is a sound and constructive policy. Those who are attracted by this idea denounce any attempt to control inflation by restraining the too rapid growth of the money supply, particularly if it coincides with the heady exuberance of an inflationary boom. The resulting recession is then blamed on the restraint, which actually had dulled its potential damage, rather than on the boom, which had made recession inevitable.

The sad fact is that inflation is no economic fairy godmother. There is no magic in money to produce something for nothing, and when government creates money faster than its citizens create value, it does not create wealth, it only creates inflation, which is the illusion of wealth. While inflation may seem at first to provide some people something for nothing, it is only transferring value from one group to another, and if continued, eventually robs everyone—even the "smart" boys.

When the American people can courageously face up to the fact that there is no such thing as something for nothing; that there is no real security without risk; that money cannot be manipulated to produce wealth; that there is no substitute for human endeavor and individual wisdom and responsibility; then, and only then can we bring America back to economic reality, which in turn will put our feet on the path to sound growth and true prosperity.

That concludes my formal statement, as a partial report on the hearings of the Finance Committee.

Mr. President——

[16] Ibid., pp. 1777–1778.

[17] Ibid., p. 2064.

The PRESIDING OFFICER. The Senator from Utah.

PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES

Mr. BENNETT. Mr. President, the first volume of an extremely valuable, worthwhile new series of books entitled "Public Papers of the Presidents of the United States" has just been published by the National Archives and Records Service of the General Services Administration. This series of great historical import, was begun in response to a recommendation by the National Historical Publications Commission that the public papers of the Presidents be published in annual, indexed volumes.

The first volume, designated "Dwight D. Eisenhower, 1957," contains transcripts of all Presidential news conferences held during the year, speeches, messages to the Congress, and other materials issued as White House releases. To be more specific, in this first volume there are 251 items comprising formal addresses to the Congress, joint statements with heads of state, radio, and television messages to the people, statements covering subjects of interest to the Nation—indeed, to the whole world. Also included are remarks of welcome made to visiting dignitaries; toasts to Queen Elizabeth, President Diem, and others; and the famous Cracker Barrel letter. There is dignity, wisdom, humor in this book. It is one to be proud of; one that will grow increasingly valuable with the years.

This series will continue with Presidential papers published annually in future years. Publication of similar volumes covering years prior to 1957 will also be undertaken from time to time after consultation with the National Historical Publications Commission.

The first extensive compilation of the messages and papers of the Presidents were published under Congressional authority between 1896 and 1899 and included Presidential materials from 1789 to 1897. Since that time there have been various private compilations but no uniform, systematic publication comparable to the CONGRESSIONAL RECORD or the United States Supreme Court Reports.

In a foreword to the first volume, President Eisenhower states:

> There has been a long-felt need for an orderly series of the public papers of the Presidents. A reference work of this type can be most helpful to scholars and officials of government, to reporters of current affairs and the events of history.
>
> The general availability of the official text of Presidential documents and messages will serve a broader purpose. As part of the expression of democracy, this series can be a vital factor in the maintenance of our individual freedoms and our institutions of self-government.
>
> I wish success to the editors of this project, and I am sure their work through the years will add strength to the ever-growing traditions of the Republic.

The planning and editorial work on this series is carried out by the Federal Register Division. Members of Congress are entitled to one copy of each volume

upon application in writing to the Director of the Federal Register Division.

Mr. ALLOTT obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Colorado yield to me with the understanding that he shall not lose the floor?

Mr. ALLOTT. I am very happy to yield to the distinguished acting majority leader.

ISSUANCE OF AVIATION REVENUE BONDS, AND LAND EXCHANGES, TERRITORY OF HAWAII

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1835, House bill 10347.

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

The LEGISLATIVE CLERK. A bill (H. R. 10347) to amend section 73 (q) of the Hawaiian Organic Act; to approve and ratify joint resolution 32, session laws of Hawaii, 1957, authorizing the issuance of $14 million in aviation revenue bonds; to authorize certain land exchanges at Honolulu, Oahu, T. H., for the development of the Honolulu airport complex; and for other purposes.

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. MANSFIELD. Mr. President, the purpose of the statute enacted by the Hawaiian Legislature is to authorize the issuance of $14 million in aviation bonds, and for other purposes connected with aviation. The bill is unanimously reported from the committee, and it has the approval of the leadership on both sides.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

APPLICATION OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT TO CERTAIN CIVILIAN EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1826, House bill 10504.

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

The LEGISLATIVE CLERK. A bill (H. R. 10504) to make the provisions of the Longshoremen's and Harbor Workers' Compensation Act applicable to certain civilian employees of nonappropriated fund instrumentalities of the Armed Forces, and for other purposes.

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. MANSFIELD. Mr. President, this bill has been cleared on both sides of the aisle. It is unanimously reported from the committee.

This measure is designed to solve a problem which has arisen in connection with claims for compensation for death or disability by employees of nonappropriated fund instrumentalities of the Armed Forces.

I ask unanimous consent that an explanation of the bill be incorporated in the RECORD at this point as a part of my remarks. I may say in addition that the bill is recommended by the executive department.

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

EXPLANATION

Existing law requires certain nonappropriated fund instrumentalities of the Armed Forces to provide their civilian employees with insurance covering disability and death. However, the law provides that such employees "shall not be held and considered as employees of the United States for the purpose of the * * * Federal Employees Compensation Act."

Ordinarily, employees not subject to the Federal Employees Compensation Act may have their death and disability claims adjudicated by the appropriate State compensation commission. In this instance, however, the State commissions have declined jurisdiction on the grounds that the employees are employed by instrumentalities of the Federal Government.

Thus, a situation results wherein such employees can look neither to the State nor to the Federal Government for the adjudication of their claims.

The bill corrects this impossible situation by providing for adjudication by judicial tribunals established by the Secretary of Labor pursuant to the Longshoremen's and Harbor Workers' Compensation Act. This judicial procedure is working well for the determination of similar claims for longshoremen and harbor workers employed in private industry and is readily adoptable to settle the claims of these employees. Enactment of the bill is recommended by the Department of Labor and others having an interest in the problem.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

RELINQUISHMENT OF OFFICE OF CHIEF JUDGE OF FEDERAL COURTS AT AGE 75

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1815, House bill 985.

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

The LEGISLATIVE CLERK. A bill (H. R. 985) to provide that the Chief Judges of circuit and district courts shall cease to serve as such upon reaching the age of 75 years.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 2, at the beginning of line 1, to strike out "been a member of the court" and insert "served as a circuit judge", and in line 12, after the word "has", to strike out "been a member of the court" and insert "served as a district judge."

Mr. DIRKSEN. Mr. President, the bill was passed by the House on the 23d of May this year. The principal purpose is to relieve the chief judges of our district and circuit courts of administrative duties when they reach the age of 75.

The bill also contains a Senate amendment to the effect that a person must have served in a judicial capacity in either a circuit or district court for a year before he can become a chief judge. Any difficulty which may rise with respect to age is taken care of by allowing the youngest of a group of judges to serve as chief judge until a younger man can be appointed to the bench. This subject has had thorough consideration in the Judiciary Committee, and the bill is unanimously reported.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. I thank the distinguished Senator from Colorado for his courtesy and consideration, and 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. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STATEHOOD FOR HAWAII

Mr. ALLOTT. Mr. President, in March of 1954, Hawaii seemed closer to statehood than it appears today. Yet its sister applicant for statehood has yesterday, by action of the President of the United States, been admitted to Statehood, subject only to her own vote of ratification. Let me review for a moment some of the actions that have led Hawaii to the brink of statehood; then I would like to comment upon the situation as I see it today. Here are the events of the 83d Congress:

On February 23, 1953, the House Interior and Insular Affairs Committee began hearings on Hawaii. Realizing that every Hawaiian Delegate to Congress since 1919 had introduced a bill to bring Hawaii into the Union as a State, the committee acted quickly. On March 3, 1953, it ordered the bill reported; on March 5 the Rules Committee of the House granted a rule; on March 10, after 2 days of debate, the House passed the Hawaii bill by a vote of 274 to 138.

Senate hearings on Hawaii statehood in the 83d Congress were longer. They began in March of 1953, continued in June and July, and were renewed again with vigor in January 1954. The Senate Interior and Insular Affairs Committee reported its bill on January 27, 1954.

Debate started in the Senate on this statehood measure on March 3, 1954. Sentiment, apparently, was running quite high. Hawaii knew it had opposition in this body, but with the firm stand taken by President Eisenhower in his Message to Congress in 1953, a position that has not wavered, and the leadership of the distinguished majority leader, the senior Senator from California [Mr. KNOWLAND], success appeared assured.

However, repeated statements were made on this floor which indicated a fear that the Republican majority backed Hawaii's plea because it would result in a partisan advantage. And because of that fear, an mendment ws offered to join the Alaska bill with the Hawaii bill.

We all know the result: by almost a party line vote, the Alaska and Hawaii bills were joined together. The joint Hawaii-Alaska bill passed this body by a vote of 57 to 28. It was killed by the House.

Now we have passed the Alaska bill. The President has signed it, and Alaska has but a few preliminary steps to complete before final admission as a State. We have eliminated the reason given in 1954 by Democrats for opposing statehood for Hawaii.

Mr. President, what can be the reason of the majority in this body today for not taking up the Hawaii bill? I would venture to assert that all the 33 Republicans who voted for Alaska statehood last week would vote to admit Hawaii.

I have heard several comments purporting to justify the position of the majority leader that the House must act upon the Hawaii bill before this body will consider it. Not one of these justifications appears sound to me. We are told that there is not enough time to consider Hawaii—yet we consumed but a week in debate upon the Alaska bill. For myself, I would be willing to stay in Washington an extra week—an extra month—to complete this statehood job, a job which this Congress cannot shirk. I call the attention of my colleagues to a similar offer made by the distinguished Senator from Utah [Mr. WATKINS], my friend and associate on the Interior and Insular Affairs Committee. Senator WATKINS has announced for reelection. He is a candidate for reelection, and when he offers to stay in session for whatever time it takes to complete the Hawaii action, each of us knows what this offers means to him and his personal plans.

I have also heard it stated that Hawaii's chances for statehood are slim—that there are not enough votes to pass the bill. If just a handful, less than one-third of the majority party Members, will join with those of us on this side of the aisle the Hawaii bill will pass this body quickly. And let me hasten to point out that 18 Senators on the other side of the aisle have previously voted for such a measure.

Mr. President, Hawaii became an organized Territory 13 years before Alaska. She has served a sound apprenticeship. No argument can be made that she has not enough population—with the 50,000 military stationed in Hawaii, her population is over 600,000.

No argument can be made that her economy cannot support statehood. We all know the facts. Hawaii has a sound financial base. Her dynamic development continues to attract industry.

No longer can the argument be made that noncontiguity is a bar to statehood. We settled that issue last week when we admitted Alaska, if, indeed, it had not been settled by the admission of California in 1850, 108 years ago.

But there is communism in Hawaii; that is the argument repeatedly raised by Hawaii. I am not one to look lightly upon the malignancy of communism. Whenever it occurs, it should be exposed and ruthlessly stamped out. Many States have known Communists today, and the number of Communists in Hawaii is not alarming in proportion to those in some of our own States. Communism is a disease which spreads in an area of discontent—it will not spread where free men control their own destiny.

The fact that Hawaiian law enforcement could operate more effectively to regulate subversion is but one of the many advantages of statehood. Hawaiians would also have responsible local government, courts with judges responsible to the local electorate, and, above all, Senators and Representatives with the power to vote in national affairs.

And, lest we forget, let me remind my colleagues that the 1949 Communist-inspired dock strike in Hawaii was resolved by action of the Hawaiian Legislature. That action alone should demonstrate the determination of Hawaiians to resist the menace of communistic control.

STATEHOOD IS THE DESTINY OF HAWAII

Hawaiians can well assert that statehood has been the destiny of their islands for over a century. In 1854 the Hawaiian people first petitioned their monarch to seek annexation to the United States. Hawaii became an integral part of the United States in 1898. In 1900, during debate on the Hawaiian Organic Act, Congress was given an opportunity to demonstrate that statehood was not eventually in the cards for Hawaii. This fact was related to the Senate Committee on Interior and Insular Affairs in a statement for the distinguished Secretary of the Interior Fred A. Seaton:

On April 6, 1900, when the House debated S. 222, a bill to provide a civil government for Hawaii, Congressman Ebenezer J. Hill offered the following amendment:

"SEC. 105. Nothing in this act shall be construed, taken, or held to imply a pledge or promise that the Territory will at any future time be admitted as a State or attached to any State."

Mr. Hill said, defending this amendment:

"No harm whatever can come from the passage of the amendment I have just offered. It commits Congress to nothing. It simply says that this bill and the admission of this Territory shall not be taken or construed as a pledge for the admission of the Territory to statehood either in the immediate or the distant future.

"Mr. CANNON. Whether the amendment be adopted or not, is there anything in this bill which commits the Congress of the United States or the people of the country to admit this Territory to statehood?

"Mr. HILL. I think there is, so far as the sentimental side of the question is concerned. The American people look upon the authorization and full organization of a Territory as the first step toward statehood. It has always been so construed; it always will be so construed. By the adoption of this amendment we shall simply put ourselves on record as declaring that this legislation is not adopted with that end in view."

A similar amendment presented to the Senate during debate on the same bill was not considered because of a point of order. The House amendment was defeated. While it was ably pointed out by Congressman John S. Williams, of Mississippi, that the amendment was either unnecessary because it could easily be repealed, or unconstitutional if every Territory was necessarily in process of formation for statehood, the very fact that the gentleman from Connecticut proposed the amendment demonstrates that, prior to the annexation of Hawaii, no Territory has been acquired by the United States, the manifest destiny of which was not to become a State.

Mr. President, if Hawaii fails to get statehood this year, it will only fail because the majority refuses to bring up the bill for consideration. The decision that we should await action in the other body merely invites a filibuster. If we take the Hawaiian bill up now, it will pass: if we wait for a House-passed bill, which we could not get for several weeks in view of the House situation today, it will never pass this year. Since the House Interior Committee already has a heavy schedule, we will find ourselves debating Hawaii statehood on the eve of adjournment, if we wait for House action. Every aspect of the Hawaii question demonstrates the necessity for prompt action by this body on the Hawaii bill.

The House has passed the Hawaii bill three times. This body has passed such a bill only once—and then only after Alaska was tied to it. Why should the House consume its time to debate Hawaii before we act upon the measure when we have three times previously frustrated the attempts of that body to confer statehood on Hawaii?

Are we to signify to the Asiatic peoples of the world that Hawaii is not to become a State because a minority of the Congress questions the racial complexion of Hawaii? Do not the Americans in Hawaii—and 85 percent of Hawaiians are native-born American citizens—deserve the same full rights of citizenship which we have just conferred upon Alaskans, Caucasians, Indians, Eskimos, and Aleuts? Does not the fact that Hawaii, the symbol of freedom in the Pacific, and the bastion of our own defenses in the west for more than 100 years, suffered the indignity of Pearl Harbor mean anything to Americans in the present 48 States—almost 49?

Mr. President, the statehood fever has reached a high temperature. Our citizens are becoming more interested in what it means to witness the birth of a State. The press of the country is devoting much attention to this subject.

If Hawaii is not admitted this year, pledges mean nothing. Both major parties pledged statehood for Alaska and

Hawaii. Alaska has received statehood; Hawaii should also—during this Congress. Our job is truly only half done.

On April 2, 1957, the chairman of the Democratic National Committee stated:

I think the greatest message that we in this year of 1957 could send to the peoples throughout Asia and beyond the Pacific in this troubled world of ours would be that the United States has granted first-class citizenship to our fellow Americans in the Territory of Hawaii, and has admitted Hawaii as the 49th or 50th State of the Union.

He made that statement as a witness before the Senate Interior and Insular Affairs Committee. Oddly enough, this was the same gentleman who, when addressing the 29th Hawaiian Legislature in Honolulu in February 1957, had said:

I am confident that a vast majority of Democrats, both in the Senate and in the House, will support the bills. I am frank enough with you to say that Democratic votes alone will not be sufficient to pass the bills.

A few Republican votes will be needed in each House of Congress. It is to be hoped that the President will give more than lip service to the cause of statehood this year and will see to it that members of his party vote for statehood.

Following his statement to the Senate Interior Committee, appears this colloquy from the same chairman of the Democratic Party:

We hope this will be from here on out completely bipartisan. If that is the case, we should have statehood before the Fourth of July for both.

Mr. BUTLER. Maybe Independence Day would have greater meaning for approximately three-quarters of a million citizens.

Independence Day had a significant meaning in Alaska, because the Senate of the United States, by the votes of 33 Republicans and 31 Democrats, kept faith and fulfilled one-half of the pledge of the two parties. The Republican Party is ready and anxious to fulfill its pledge to Hawaii also.

In a speech on the Alaska statehood bill, I said there should be no fewer than 70 senatorial votes for Alaska. In fact, 72 Members of this body cast affirmative votes on the question of statehood for Alaska. Those 72 votes should demonstrate to the majority that debate upon the Hawaii statehood bill would not be interminable.

Mr. President, on February 2, 1953, President Eisenhower requested enactment of Hawaii statehood legislation, and stated "the people of that Territory have earned that status." The President has repeated his request every year for 6 years. Only yesterday, when he signed the Alaska statehood bill, the President said:

While I am pleased with the action of Congress admitting Alaska, I am extremely disturbed over reports that no action is contemplated by the current Congress on pending legislation to admit Hawaii as a State. My messages to Congress urging enactment of statehood legislation have particularly referred to the qualifications of Hawaii, as well as Alaska, and I personally believe that Hawaii is qualified for statehood equally with Alaska. The thousands of loyal, patriotic Americans in Hawaii who suffered the ravages of World War II with us and who experienced that first disastrous attack upon Pearl Harbor must not be forgotten.

Mr. President, only political expediency could prevent the fulfillment of that request. We Republicans have been called upon for aid, help, and assistance to make statehood for Hawaii a reality. That help is available here. Let us pass the Hawaiian statehood bill.

THE DEPARTMENT OF DEFENSE REORGANIZATION BILL, H. R. 12541

Mr. DOUGLAS. Mr. President, on Friday, June 27, in company with my colleague the distinguished junior Senator from Missouri [Mr. SYMINGTON] I discussed rather extemporaneously some of the problems having to do with the proposed reorganization of the Department of Defense. It soon became apparent that there were strong differences of opinion between us concerning the pending legislation.

It was clear that both of us believed that the House-passed bill, H. R. 12541, needed to be amended. However, it appears that the junior Senator from Missouri believes that the bill does not go far enough, whereas the Senator from Montana [Mr. MANSFIELD] and I and, we believe, many other Members of the Senate believe the bill goes entirely too far.

BASIS OF CONSTITUTIONAL PROVISIONS

During that colloquy, the Senator from Missouri took exception to our belief that the House-passed bill would surrender such a significant portion of our Congressional responsibility that, in effect, it would amount to an abrogation of the constitutional duties which we are required to discharge. He argued, in a letter which he placed in the RECORD at that time, that the factors which gave rise to these constitutional provisions are now different, because at the time when the provisions were formulated, the civilian population was then distrustful of the military, resentful of the quartering of troops upon the populace, and suspicious of the efforts of commanders to discipline military personnel. He argued that it was as a result of those sentiments that there was made the constitutional determination that the Congress should control the size of the military forces and should regulate certain aspects of their discipline and behavior.

Mr. President, therein I believe lies one basis of the difference between those of us who are disturbed about the implications of this proposed legislation and those who support it.

It seems to me that they are saying that the constitutional system of checks and balances, which since the formation of our country has prevented difficulties from arising between our civilian and our military, should be abandoned. Thus, Mr. President, they argue, in effect, that because the system has worked so well, there is no longer present among our people the same sentiment which led to the Congressional restrictions which were placed on our military by the Constitution, and that we may as well discard them. I do not share this view.

The Senator from Missouri stated the point somewhat more narrowly in his letter, when he wrote:

In fact, the background of these constitutional provisions does not relate to the distinction between the legislative and executive branches of the Government; but rather to the relationship between the military and the civilian communities.

But I believe he is in error in that interpretation of the basis of the constitutional provisions.

In the analysis and interpretation of the Constitution prepared by the Library of Congress, and published in 1953, it is authoritatively stated, to the contrary, that the precise reason for the provision giving Congress that power was so that the Executive would not have the sole power to raise armies. The annotation—page 283—is as follows:

THE POWER TO RAISE AND MAINTAIN ARMED FORCES

PURPOSE OF SPECIFIC GRANTS

The clauses of the Constitution which give Congress authority "to raise and support armies, to provide and maintain a navy" and so forth, were not inserted for the purpose of endowing the National Government with power to do these things, but rather to designate the department of government which should exercise such powers. Moreover, they permit Congress to take measures essential to the national defense in time of peace as well as during a period of actual conflict. That these provisions grew out of the conviction that the Executive should be deprived of the "sole power of raising and regulating fleets and armies" which Blackstone attributed to the King under the British Constitution [1] was emphasized by Story in his commentaries. He wrote: "Our notions, indeed, of the dangers of standing armies, in time of peace, are derived in a great measure from the principles and examples of our English ancestors. In England, the King possessed the power of raising armies in the time of peace according to his own good pleasure. And this prerogative was justly esteemed dangerous to the public liberties. Upon the revolution of 1688, Parliament wisely insisted upon a bill of rights, which should furnish an adequate security for the future. But how was this done? Not by prohibiting standing armies altogether in time of peace; but (as has been already seen) by prohibiting them without the consent of Parliament. This is the very proposition contained in the Constitution; for Congress can alone raise armies; and may put them down, whenever they choose." [2]

So the grant of power to Congress did, in fact, relate directly to the distinction between the legislative and the executive branches.

Few nations in the world that have adopted the policies of greatly expanded executive power over the military, as espoused by the principal long-time proponents of this proposed legislation, have survived as democracies. Equally true, Mr. President, many of them have not even survived as nations, because the military system implicit in this bill has never stood up under the tests of modern war.

SUMMARY OF DEFICIENCIES IN H. R. 12541

The House-passed bill in my opinion is deficient in four major areas.

1. POWER OF CONGRESS WOULD BE CUT DOWN

First, the power of Congress over the assignment of military roles and functions is cut down, and the power of the

[1] Blackstone, Commentaries 263 (Wendell's ed. 1857).

[2] II Story, Commentaries, paragraph 1187 (4th ed. 1873).

Secretary of Defense and the President are increased, in the following manner:

(a) In section 3 (a) the bill gives the Secretary of Defense the authority and mandate to provide for more effective, efficient, and economical administration, including steps to transfer, reassign, abolish, and consolidate functions other than "major combatant functions." The only limitation on this power is that in case of functions established by law, he shall report pertinent details to Congress 30 days before the change—amended, section 202 (c) (1).

(b) In the case of "major combatant functions" assigned to the services by specified sections of the law, transfers, reassignments, abolition, or consolidation may be effected by the Secretary unless within 60 days of continuous session Congress passes a concurrent resolution of disapproval. This means a resolution passed by both Houses. It would be necessary for both Houses to disagree, if the action were to be invalidated. And under the express terms of the bill, a combatant function is considered a "major combatant function" subject to this relatively difficult Congressional check only when one or more members of the Joint Chiefs of Staff disagree with the proposed action—amended, section 202 (c) (3). If no one of the Joint Chiefs differed openly with the Executive, to whom he owed his appointment, and who would make the selection in large part on the basis of whether the prospective appointee agreed with the Executive, there would be no chance whatsoever of a Congressional check.

(c) In the case of hostilities or imminent threat of hostilities, the President may determine that transfers, and so forth, of any functions be made without any notice to Congress or Congressional veto power whatsoever—amended, section 202 (c) (2). Let me make it clear that I do not object to this latter power.

But under the other blank check powers in the executive departments, the United State Marine Corps, for instance—or naval aviation—could be virtually stripped of its functions as a major combat unit without any effective Congressional restraint. That this is not a remote possibility is clearly shown by the past recommendations of President Eisenhower himself and other noted military figures, whose counsel in this respect Congress has consistently rejected.

A few days ago I had printed in the RECORD a memorandum which was contained in the so-called Joint Chiefs of Staff memorandum which was published by the House Committee on Expenditures in the Executive Departments—Report No. 961, 80th Congress—under date of July 16, 1947.

I shall not ask that the full text be reprinted again at this point, although later I shall ask that it be done. I merely say that at that time the Chief of Staff of the United States Army was Gen. Dwight D. Eisenhower, the present President of the United States, and that on no less than two occasions he stated that the Marine Corps should be maintained solely as an adjunct of the fleet; that it should not participate in major shore combat operations; that its functions should be primarily confined to those of the movement of goods and personnel from ship to shore and to working parties on the shore; that it size should not exceed from 50,000 to 60,000 men; and that in effect it should cease to be a combat force. This is historical. I have seen no real indication that this point of view has been changed.

2. POWERS ENLARGED FOR CHAIRMAN OF JOINT CHIEFS AND FOR JOINT STAFF

The second objection which I make to the House bill is that the powers of the Chairman of the Joint Chiefs of Staff and the Joint Staff are substantially increased in the following manner:

(a) The Chairman of the Joint Chiefs of Staff is given power to select the Director of the Joint Staff—section 5 (a), amended section 143 (b)—though consultation with the other members and approval of the Secretary of Defense are also required.

(b) The Chairman is given coordinate authority to prescribe the duties of the Joint Staff—section 5 (a), amended section 143 (c).

(c) The Joint Staff is increased in size from 210 to 400 officers—section 5 (a), amended section 143 (a).

(d) The functions and organization of the Joint Staff are not specifically provided, aside from the noble injunction not to be a General Staff, followed by a vague permission to be organized and operated "along conventional staff lines"—section 5 (a), amended section 143 (d).

(e) In carrying out the new provisions for unified combatant commands—section 5 (b)—the Joint Staff and corporate body of the Joint Chiefs of Staff will provide a single, central command post for transmission of the Secretary's directives to the unified commands—See House report, page 24.

It seems almost inevitable that under these provisions we shall in fact create an operating general staff—not merely a planning general staff, but an operating general staff—which will be too far removed from the combat units to be able to make the most practicable plans for successful field operations, and will possess too highly concentrated power to be either efficient or sufficiently subject to civilian controls.

In my judgment there is one principle we need to follow in all proposals for military reorganization: We should not divorce planning from execution, for when there is too great a separation, the plans which are drawn become too difficult for the field units to execute.

Another dangerous consequence of these provisions increasing the power of the Chairman and of the Joint Staff may be that, in view of the generally predominant attitude in higher military circles that we must prepare primarily for all-out war, there may be a neglect to prepare our Nation adequately for the more limited, or brush-fire wars which seem to some of us the more likely threats in the years just ahead. I may say I think our military policy of the past 5 years has erred precisely in that direction.

3. ARMED SERVICE SECRETARIES' POWER REDUCED

Third. The power of the Secretaries of the different services is substantially reduced by:

(a) The removal of the service Secretaries from the chain of command for the unified and specified combatant commands, making them little more than Secretaries of supply commands, in effect. This is accomplished by making these unified commands directly responsible to the President and Secretary of Defense—section 5 (b). As the House report puts it:

> The President proposed and the proposed legislation recognizes, that the Joint Chiefs of Staff, acting as a corporate body, will replace the former executive agents (the military departments) in order to provide more centralized direction of the unified commands.

4. INCREASED BURDENS OF SECRETARY OF DEFENSE

Fourth. The Secretary of Defense will be more heavily loaded with responsibilities and more insulated from the day-to-day problems by the military staff, and civilian control of the Defense Establishment will thereby be weakened by:

(a) The added burden of the unified commands directly responsible to the Secretary of Defense—section 5 (b).

(b) The removal of the civilian secretaries of the different services from the chain of command of the unified commands, previously referred to.

(c) The strengthening of the Joint Staff of the Joint Chiefs of Staff previously referred to and the substitution of these military advisers for civilian service secretaries who have previously served as executive agents for the unified commands.

In commenting on these new arrangements, the House committee report stated, "Indeed the monolithic implications of this development, if left unbridled, could be alarming."

HOUSE RESISTED FURTHER CONCENTRATION

The House most wisely, in my opinion, resisted the efforts of the administration to increase even further the dangerous reductions of power in Congress and concentrations of power in the Secretary of Defense, Chairman of the Joint Chiefs, and their Joint Staff, which I have outlined.

It refused to permit Congressional action of disapproval only in cases where two members of the Joint Chiefs of Staff disagreed with a proposed shift of roles and functions. It refused to hog-tie the rights of the separate service secretaries and members of the Joint Chiefs of Staff to make recommendations on their own initiative to Congress. It refused to take from the general provision concerning the power of the Secretary of Defense over each department the explicit statement that it should be exercised through the respective secretaries of such departments.

I may say the administration has been bending every effort toward getting each and every one of those provisions restored to the bill, and is making them must objectives.

But despite this wise resistance by the House to the further pressures for

greater centralization of executive and military power, I believe the bill as passed by the House goes too far in the respects which I have noted.

I do not argue that every one of the provisions I have listed should be deleted from the bill or modified, though a number of them should. But in their totality they represent a surrender to the Executive of our constitutional obligation, a threat to the maintenance of ready combat units like the Marine Corps, an undue concentration of military power in the Chairman of the Joint Chiefs of Staff and the Joint Staff, and a weakening of civilian control which I believe the Congress should not approve.

FULLER ANALYSIS OF DEFICIENCIES

The arguments concerning these four deficiencies are to a great extent interrelated and inexorably intertwined.

The major flaw in this bill is the fact that it substantially surrenders the responsibility placed by the Constitution upon Congress to regulate our Military Establishment. In a larger and more general sense, it decreases the civilian control over our military through reducing Congressional control and also by certain internal changes within the Department of Defense.

THE CONSTITUTIONAL RESPONSIBILITIES OF CONGRESS

Article I of the Constitution is quite specific in several instances on this point. In general terms it provides in section 8–1 that the Congress shall "provide for the common defense"; and, in section 8–12, it says that the Congress shall have power "to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years." Incidentally, this latter provision is, of course, being constantly violated at the present time. Then, in section 8–13, it is set forth that the Congress shall have power "to provide and maintain a navy"; and, in section 8–14, it is provided that the Congress shall have power "to make rules for the government and regulation of the land and naval forces." Section 8–16 provides that the Congress shall have power "to provide for organizing, arming, and disciplining the militia," and the same section reserves to the States the appointment of officers and the authority to train the militia.

The President, to be sure, has a vital, coordinate responsibility. Article II, section 2, provides that the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States. But under the Constitution his is not a dominant authority over the obligations laid upon Congress; it is only coordinate.

Mr. President, in one respect I agree with the distinguished junior Senator from Missouri [Mr. SYMINGTON] when he says that it was the sentiment of the times which made such restrictions important. Our forefathers had known through their own experience what happens to nations where there is little control over the military forces. In England, the responsibility for providing, maintaining, and regulating the forces had always been vested in the Crown or the executive branch of the Government. The framers of our Constitution rejected that principle. And the plan they established has worked.

EXPERIENCE OF OTHER NATIONS CONFIRMS WISDOM OF OUR SYSTEM

The wisdom of their conclusions has been borne out by the experience of other nations as well. Even today, we find in those areas of the world where military men become dominant, either through filling vacuums which may exist in the normal political or economic structure of a country, or through chicanery or force of arms, they soon control or supersede the governments of the people which had been established by constitutions or traditions.

It is surely not necessary to enumerate all the nations in which this has happened, but I think, with all justice, I can point out that within prewar Germany, where its general staff system had become the epitome of the armies of the world, it was the force of this army along with some of the financial leaders of the country which helped to install a rabble-rousing civilian as the chief political figure in that nation. Thereafter this leader, through his own means of controlling the individual members of the military establishment, created one of the most despotic and despicable regimes in the world.

Even today in France, in one of the truly democratic nations of the world, we find that the military men through their strength have insisted that the head of the civil government be replaced by an individual of their choice. Even today he is struggling with the conflicting points of view within rival military camps. It is clear that force, not reason, may well be the dominant factor and determine the immediate future of France.

Mr. President, I think that the framers of our Constitution were correct in their fears. Certainly in our country we have not been plagued by such problems as these. But surely every thoughtful citizen must want us to continue to avoid these dangers.

CENTRALIZATION DRIVE HAS DEEP ROOTS

Mr. President, I cannot find anything new in the arguments which are being advanced to support the proposed legislation. It is, in fact, startling to find that the same persons who were making the arguments a dozen years ago based on the problems in existence at that time now advance exactly the same solutions for what all of us readily agree are new and vastly changed problems.

What then is the genesis and source of these recommendations? We know that the United States Army created a general staff structure within the old War Department as early as 1903, and following World War I developed it to its present status. We know that traditionally, through public proposals, as in the so-called Collins plan (for a single chief of staff and a national general staff), and through statements made from time to time in the press or other media by such distinguished gentlemen as General Bradley, General Spaatz, and others, they have consistently believed in broad terms in a single service, a national general staff, and a single chief of staff. And the present President of the United States was also raised in the same school and apparently has embraced the same philosophy.

CONGRESS HAS RESISTED COMPLETE CENTRALIZATION

Fortunately, Mr. President, the Congress has repeatedly disagreed with these individuals over the years. I profoundly hope the Congress will continue to do so. In 1946, the original effort made along this line was to incorporate into the law the so-called Collins plan. This was rejected by the Congress. In 1947, when the so-called Unification Act was adopted, the merger of the services was specifically forbidden, as was the creation of a single operating general staff and a single chief of staff.

Very reluctantly, in 1949, the Congress went along with certain changes in the Unification Act by creating a Chairman for the Joint Chiefs of Staff, but once again we rejected representations made at that time as to the need to "tie in" the military control over all the services. In 1952, over the opposition of the Army, Congress temporarily guaranteed the continuation of the Marine Corps by prescribing a minimum strength of three divisions.

Then in 1953, many of the same experts who are now continuing the organizational struggle within the Department of Defense, came to us with the support of the President. They convinced us that we should not refuse Reorganization Plan No. 6, which the President himself said was designed to increase civilian control over the military by placing more authority in the hands of the service department Secretaries.

It was under this plan that we created the numerous under secretaries, deputy under secretaries, assistant secretaries, deputy assistant secretaries, assistants to deputy assistant secretaries, deputies to assistants to deputy assistant secretaries, and so on. Such is the organizational monstrosity which now inhabits the Pentagon, and those responsible for it did such a terrible job they now come to us and say, "We did a poor job, but now you must take our word for it that we know how to do the perfect job."

Yet, within a period of 5 short years, we find that this plan is declared to be inadequate. It is now urged that the service Secretaries have too much authority; that it is necessary to specify greater powers for the Chairman of the Joint Chiefs of Staff and thus almost set him up as a separate entity, and that there is need to create a greatly enlarged general staff at Department of Defense level, which will probably become an operating general staff, and may either carry with it, on the one hand, a complete disruption of the separate operating staffs of the highly technical separate services, or, on the other hand, result in tremendous overlapping and duplication with a corresponding decrease in efficiency.

We may have to enlarge the Pentagon to an octagon in order to provide for the additional Secretaries, Assistant Secretaries, and staff officers.

DEFENSE DEFICIENCIES DO NOT RESULT PRIMARILY FROM LACK OF EXECUTIVE AUTHORITY

What, Mr. President, is wrong with the present organization that supports the present demands for more authority?

I think the best way to get efficiency would be to eliminate at least two-thirds of the superstructure which was built up in 1953 by the very same experts who are now coming forward and telling us what we should do.

I believe I can tell Senators one of the troubles with the Department of Defense—and it is not the lack of authority which this bill seeks to confer.

First, I refer to the fact that insofar as the Department of Defense is concerned, there is no lack of legal authority to accomplish changes desired within the Department. Under date of March 17, 1953, Mr. H. Struve Hensel, Counsel for the Committee on Department of Defense Organization, rendered a legal opinion to the Secretary of Defense which was also signed by Mr. Roger Kent, General Counsel for the Department, and Mr. Frank X. Brown, the Assistant General Counsel for Departmental Programs within the Department of Defense. This legal opinion was prepared at the request of the Secretary of Defense. I quote from its conclusion:

In our opinion, the Secretary of Defense now have by statute full and complete authority, subject only to the President and certain specific restrictions subsequently herein listed, over the Department of Defense, all its agencies, subdivisions, and personnel. To make this statement perfectly plain, there are no separately administered preserves in the Department of Defense. The Secretaries of the military departments, the Joint Chiefs of Staff, all officers and agencies and all other personnel of the Department are under the Secretary of Defense. Congress has delegated to the Secretary of Defense not only all of the authority and power normally given the head of an executive department, but Congress has in addition expressly given the Secretary of Defense even greater power when it made the Secretary of Defense the principal assistant to the President in all matters relating to the Department of Defense.

To repeat, subject to the President and certain express prohibitions against specifically described actions on the part of the Secretary as contained in the National Security Act as amended, the power and authority of the Secretary of Defense is complete and supreme. It blankets all agencies and all organizations within the Department; it is superior to the power of all other officers thereof; it extends to all affairs and all activities of the Department; and all other authorities and responsibilities must be exercised in consonance therewith.

Now, the six specific areas which were mentioned as limitations on the supreme power of the Secretary of Defense involve:

First. That he may not transfer, reassign, abolish, or consolidate the combatant functions of the military services. In general terms, those functions were carefully spelled out in the law.

Second. That he could not accomplish this indirectly through the handling of personnel or appropriations.

Third. That he could not merge three military departments or deprive the Secretaries of those departments of their legal rights to administer the organizations;

Fourth. That he could not use his power to establish a single command—single Chief of Staff—or an operating military supreme command over the Armed Forces;

Fifth. That he could not without first reporting to Congress transfer, reassign, abolish, or consolidate other types of specific functions; and

Sixth. That this law did not prohibit the Secretary of the Department of Defense or a member of the Joint Chiefs of Staff from presenting to the Congress on his own initiative recommendations that he deemed proper.

These were all reasonable and necessary limitations.

BUT ADMINISTRATION SEEKS GREATER EXECUTIVE AUTHORITY AND WOULD VIRTUALLY CREATE A GENERAL STAFF

Yet, Mr. President, despite this broad interpretation of their powers under existing law, which has not been challenged by anyone that I know of, the administration is now insisting that many of these Congressional limitations be removed. What they would have us do is to decrease the authority of Congress and at the same time decrease the authority of the several services' Secretaries with a further consolidation of authority in the Office of the Secretary of Defense. That is specific in this legislation.

They would also insulate the Secretary of Defense from the normal operations of either the military or the civilian system by the force and effect of an increased operating general staff headed by the Joint Chiefs of Staff—the officer personnel is to be virtually doubled—but from which the Chairman is being singled out and given superior powers by some of the language of the law. In this regard, notwithstanding the worthy statements of policy expressed in section 2 of this bill—which says among other things "but not to establish a single Chief of Staff of the Armed Forces nor an overall Armed Forces general staff"—section 5 of the bill does move rather far in the direction of establishing a de facto single Chief of Staff and increases the size of the Joint Staff to give it the necessary implementing power.

Mr. President, is there any question that this staff will be organized along conventional staff lines, and will be an operating general staff for all of our military services?

It may be argued by some that this bill does not elevate the Chairman of the Joint Chiefs of Staff, or make him a single Chief of Staff. Indeed, the House committee report warned of the dangers of any such result, but declared the safeguards in the bill adequate to prevent it. But I point out such language in the bill as "the Chairman of the Joint Chiefs of Staff in consultation with the Joint Chiefs of Staff shall select the Director of the Joint Staff," and, later, "the Joint Staff shall perform such duties as the Joint Chiefs of Staff and the Chairman shall prescribe." These new powers, when added to his existing powers to prepare the agenda for meetings, report to the Secretary, and manage the Joint Staff, go a long way toward separating the Chairman of the Joint Chiefs from the corporate body of the Joint Chiefs of Staff and making him superior to them.

By such legislation we shall have moved close to the final step of creating the same single Chief of Staff which in the past the Congress has specifically forbidden by law, but which has always been the premise supported by our present President and a relatively few but persistent individuals within our country, most of whom have either served in a military or civilian capacity with the United States Army.

Further evidence that this is their objective, and that they look upon this objective as one worthy of their sustained efforts over the years, was provided by some of the testimony given before the Senate Committee on Armed Services. In that regard, a former major general of the Army, Otto L. Nelson, Jr., testified as a representative of the United States Chamber of Commerce. Under questioning by the distinguished senior Senator from North Carolina [Mr. ERVIN] it developed that General Nelson had written a book describing the development of the general staff structure within the Army and their single Chief of Staff. This book was entitled "National Security and the General Staff." It was perfectly clear that General Nelson was one of the architects within the Army of their present staff structure, and believed fully that this was the best system for a combination of all our military services. The last paragraph of his book is most revealing:

THE GENERAL STAFF CONCEPT AND THE FUTURE

The general staff concept has come a long way since Elihu Root persuaded the Congress to establish it in 1903. It has abundantly justified its usefulness in extending the directing arm of leadership. Over a long peacetime period and during two World Wars, the general staff has come to be recognized as an effective instrument for planning, coordination, and supervision. As the complexities of modern warfare and the problems of command become more difficult, the greater is the need for an improved general staff organization with more effective techniques of control. The general staff concept still has a long way to go in reducing the top-level job of integrated national security to manageable proportions. This can be its most important contribution, but it need not stop there. The application of such an instrumentality enlarging the capacity of the chief to direct is not inherently restricted to military use but is applicable to any organization whose size and complexity require that the directing head have something strong on which to lean.

Earlier, in his final chapter, General Nelson discussed the importance of an overall general staff for what he referred to as "the Secretary of a Department of National Defense." He wrote, "the crucial need is for a general staff or some similar organization at the very top level." In this discussion, he pointed out that the influence and competence of the staff would be strengthened if a certain percentage of its members could be appointed for a 6- or 8-year period, or even permanently.

The one thing that is missing from the general's book is any discussion of the effect of such a military structure upon the framework of a free nation operating under a constitutional form of government.

In response to questions as to whether he might have changed his mind, General Nelson stated, in substantial part, that he believed all these steps were an orderly evolution within a rapidly changing world, and that Congress ought to go ahead and enact this legislation, and, after the Joint Chiefs of Staff had operated under the new law for a period of a year or two, we should then take another look at it to determine the next step.

HOUSE COMMITTEE OUTLINED DANGERS OF NATIONAL GENERAL STAFF

In this connection I invite attention to the report of the House Committee on Armed Services which accompanied H. R. 12541, which contains some very good comments on this point. I read from page 27:

On the other hand, there has been little or no development of the reasons why an Armed Forces general staff, at national level—whether "Prussian" or native—is dangerous.

The general staff is the essential staff organization required to permit rapid and successful conduct of combat operations on the field of battle. The reasons for the effectiveness of the general staff as an instrument for decision making in combat are two:

1. It is an axiom of war that, in battle, any decision, however faulty, is better than no decision.

2. The general staff is an effective decision-making machine because its principal faculty is the swift suppression, at each level of consideration, of alternative courses of action, so that the man at the top has only to approve or disapprove—but not to weigh alternatives.

Such an organization is clearly desirable in battle, where time is everything. At the top levels of government, where planning precedes, or should precede, action by a considerable period of time, a deliberate decision is infinitely preferable to a bad decision. Likewise, the weighing of legitimately opposed alternative courses of action is one of the main processes of free government. Thus a general staff organization—which is unswervingly oriented to quick decision and obliteration of alternative courses—is a fundamentally fallible, and thus dangerous, instrument for determination of national policy.

I may say in this connection that the entire country has been suffering from a staff concept under which alternatives are not fully stated to the President of the United States but under which he merely receives a staff paper recommending a certain course of action, with perhaps an argument or two against it, but in connection with which all he needs to say is yes or no—and is shielded from the pressures and conflicts of interested persons in making a decision.

I continue reading from the House report on page 28:

As a corollary, it is the nature of a general staff at national level to plan along rigid lines for the future. This creates rigidity of military operations and organization and historically has led general staffs to attempt to control all national policies involved in war—notably foreign and economic policy, both of which lie far beyond the proper sphere of military planners.

Moreover, when structurally placed over all the armed services and military departments, an overall Armed Forces general staff serves to isolate the politically responsible civilian official from all points of view but its own, so that, while he, in theory at least, retains all power, this power becomes increasingly captive to the recommendations of the general staff.

NEW EXECUTIVE AUTHORITY ASKED IS LARGELY A BLANK CHECK

In essence then, Mr. President, the Congress is being asked to reverse its position on the form of our military structure, divorce itself from most of its responsibilities for future control and turn its constitutional authority over to the Secretary of Defense.

Furthermore, the proponents of the bill in the administration do not even bother to tell us how they propose to organize or operate. So far as I know, no witnesses have told the Congress how they propose to organize within the Department of Defense to exercise this new authority if we should give it to them. The distinguished chairman of the Senate Armed Services Committee has asked that they suggest specific plans. So far, to my knowledge, this has not been done.

Moreover, the present Chairman of the Joint Chiefs of Staff was asked if the Joint Staff would be organized on conventional staff lines or whether an operational section would be established within the present framework of the Joint Chiefs of Staff. General Twining testified in response to that question that it would be one or the other, but they had not yet made up their minds.

There is reason to believe, however, Mr. President, that not only have they made up their minds, but that the organization of an operational general staff is in process, and officers are being earmarked for duty on that staff.

Yet, in the face of this lack of candor, or knowledge, on the part of the perennial experts in the executive branch as to what will be filled in on the blank check, we are asked to surrender our Congressional control over these matters to an extent which will make it relatively impossible in the future for the United States Congress to discharge its constitutional responsibilities in this field, or to preserve the assignments of combat functions which we have carefully guarded in the past.

NORMAL CONGRESSIONAL RESTRAINTS ON EXECUTIVE REORGANIZATIONS SHOULD BE PROVIDED

Mr. President, perhaps we should give the Secretary of Defense a little more authority to accomplish desirable reorganizations within the Department of Defense.

If so, I would suggest that we follow the normal reorganization procedures established for other executive departments, as proposed by the Hoover Commission and adopted by Congress. These would require that proposed changes within the Department of Defense be subject to disapproval by Congress within a fixed time period by a simple majority of those voting in either House, instead of the requirement of a majority of both Houses, as is contained in the bill.

This has been recommended by several witnesses, including Mr. Ferdinand Eberstadt, an outstanding authority in this field. The House-passed bill is markedly deficient in that it requires a concurrent resolution for this purpose—a resolution passed by both the Senate and House—which would make it much more difficult and would reverse our normal legislative procedures.

Furthermore, the House-passed bill limits application of even this limited Congressional control to what are described as major combatant functions. And as I pointed out in the Senate 10 days ago, Mr. President, under the terms of the bill a function would only become a major combatant function when a member of the Joint Chiefs of Staff would object to its transfer, reassignment, consolidation or abolition.

I submit it is unreasonable to assume under this definition that many matters would ever come to the Congress, in view of the fact, as has been stated, that any promotions above two-star rank are to be conditioned upon prior agreement with the general defense policies of the Executive. This would tend to produce a group of general officers who would abdicate individual responsibility and who would accept the dominant theories of the group which happened to be in control of the Defense Department. Therefore, we would under this bill sharply restrict the number of cases in which Congress would have any modicum of control.

Mr. President, I would recommend amendments—if the Senate committee does not anticipate me in this respect—to insure that the Congress maintains control over all functions, roles, and missions which have been established by statute; that proposals for change in these areas should come to the Congress for 60 legislative days, and that during that time they could be defeated by a simple majority of either House. This would make changes within the Department of Defense subject to the same controls by Congress that it has established in less important fields.

REQUESTED ADDITIONAL EXECUTIVE AUTHORITY WILL NOT AID QUICK REACTION TO ATTACK

A great deal of the advocacy for this measure stems from casual acceptance of the premise that it is designed to give us a fast reaction in the event of attack. So that there may be no misunderstanding as to this conception which has been so carefully nurtured by the proponents of this bill, I wish to discuss whether these prompt decisions and this alleged quick action are in fact likely to be advanced by the proposed measure.

All of the peacetime and much of the wartime business of the Secretary of Defense consists of the day-to-day handling of administrative matters arising in this complex governmental department. In fact, this Department comprises—in size and in funds expended—the largest single entity within America. The proponents of this legislation are striving to place more of the details of the actual administration of this vast organization in the hands of the Secretary of Defense. By so doing, it is clear that they would defeat their stated purpose to improve the efficiency and administration of the Department.

I said earlier I believed I could tell in part what is wrong with the present defense structure. In his testimony before the Senate committee, Mr. Ferdinand Eberstadt stated, "The larger the

Secretary's Office, the greater the confusion and the less the efficiency. What is lacking, in my opinion, is not more authority but more decision." He believed it unwise and vigorously opposed any further centralization of authority within the Office of the Secretary of Defense because he thinks it simply cannot be administered by one man, no matter how able he may be. He pointed out that there will have to be logical subdivisions of the problem, or it cannot be solved.

Now, Mr. President, it becomes clear that these matters which seem to vex the President and the Secretary of Defense to the greatest extent have nothing to do with the split-second reaction time which the proponents of this bill are using as one of the main theses in supporting their request for its passage. They would lead us to believe that what we need at the top of our military structure is a battlefield command post from which instantaneous, military decisions will be promulgated in times of crisis.

Many of my distinguished colleagues know the fallacy of these views. One lesson we learned in World War II—and while we continually decry the experience of previous wars in the light of advancing technology, I still submit that the problems of World War II were to those who fought it as advanced as the ones we now project as problems of new world conflicts—we learned you simply do not fight battles from Washington.

UNIFIED COMMANDS ALREADY MAKE SPLIT-SECOND REACTIONS POSSIBLE

We learned to establish unified commands in the field. During World War II and up to and including today, as we stand here debating this subject, we have had operational commands throughout the world, prepared to move on a moment's notice in the event of an attack on the forces within these commands or any part of the United States. Believe me, if the Sixth Fleet has to wait for a meeting of even the proposed streamlined staff suggested in this bill, they will have little effect on the outcome of any future world war. The unified commander in the theater of operations must control. He does now. He will under any law.

We also have another great command in our military system known as our Strategic Air Command. This is a unified command, or to be more exact, it is called a specified command. It takes its broad plans and policies from the Joint Chiefs of Staff and then, under the Chief of Staff of the Air Force and the Air Staff, prepares itself for instantaneous reaction to any enemy aggression. It will not wait for staff direction from Washington.

I believe it is clear that they should not make any nuclear air strikes on their own initiative, but only on orders from the Commander in Chief himself. But I understand that arrangements have already been made so that this can be done, and without delay.

Mr. President, these entities are in being now. There is no reasonable basis for stating that we have been completely negligent in preparing ourselves to meet these problems of today or tomorrow. The facts are to the contrary. The demonstrated need for stepping up the research and development of weapons does not justify all of the proposed centralization of our military and executive authority. We cannot look for better instantaneous, split-second decisions from our Joint Chiefs of Staff as a result of the new authority proposed in the bill.

Mr. President, it is an old military saying that in tactics a bad decision is better than no decision. But with regard to broad strategy planning as distinguished from tactics, and the broad, national policies on which our Joint Chiefs of Staff must pass judgment, that axiom must be reversed, as the passage which I read from the House committee report suggests.

It is my belief that at that level no decision would be preferable to a bad one. A bad decision would commit us to set courses of action, the development of given weapons, the focusing of our foreign policy along given lines, none of which could be readily changed once the error was discovered. I frankly want our Joint Chiefs of Staff to continue to serve as the focal point for debate and discussion of legitimately opposed, alternative points of view. The gentlemen who achieve this rank are not individuals to dispute matters for shallow or minor cause. Each is skilled in his element of our total military structure. Together they can give us the soundness of decision which we require.

I do not want to replace the collective judgment of these men by the single judgment or predominant judgment of even the wisest man in the world—and we cannot be sure we would get the wisest man in the world in any case. Nor, as I have said earlier, do I want to substitute for the collective judgment of Congress, the judgment of the best Secretary of Defense that the world has ever seen.

It has been said many times that ours is a government of laws, not of men. Men, even Presidents and Secretaries, change with political vicissitudes and by natural law. Our laws, however, must be such as to endure so long as they are required for the good of our Nation as a whole. Therefore, it is difficult for me to understand why or how we shall improve our national security by giving such authority to any President or any Secretary of Defense, however skilled in these matters the present incumbents may be. Their successors might not possess the same skills and virtues.

NOT MORE AUTHORITY, BUT MORE DECISION IS THE NEED

I am sure by now my colleagues recognize that many of the proposals in H. R. 12541 are the basis of some suspicion and great concern on my part. We have good laws on the books today. We were beguiled in 1953 by the same experts who now condemn the system erected at that time, to create more Assistant Secretaries of Defense and in the several service departments in order to improve military operations. Their own lawyers have told them that they have all the authority in the world to do anything that needs to be done, subject only to the restrictions placed on them by Congress. Yet they press us for added centralized authority.

Even if we gave them the type of blank check which President Eisenhower seems to demand, the crux, the heart, the lifeblood of the Department of Defense will still be proper leadership and willingness to make decisions.

For the President of this country and the Secretaries of Defense appointed by him to say that they cannot control the individuals within the Department of Defense without added authority, gives patent proof of the lack of positive leadership, which is, I believe, the real source of the trouble within the Pentagon. I have had some reports—which I believe to be accurate—that the Joint Chiefs of Staff will frequently unanimously agree upon a matter which must be approved at a higher level, and will then have to wait for as long as 2 years without receiving a decision. How would the proposed new law help this?

It may well be time for the Congress to determine whether or not we have not gone too far in permitting the five sides of the Pentagon to encompass many times the personnel and responsibilities that they themselves asked for in 1947, and to which we intended to limit them.

The memory of many Senators runs back to the debate on the Unification Act, in which it was stated that the total number of persons working in the Office of the Secretary of Defense would be in the vicinity of 100 and that the total appropriation to support them would be around $663,000. Contrast that with what we have today. The latest report of the Secretary for January–June 1957, lists 1,511 civilian employees and 695 assigned military personnel in the Secretary's Office alone. The 1959 budget estimate for 1,261 of these civilian employees in the Secretary's Office is $10,100,000, with other expenses bringing the total to $15,900,000.

Yet those who today under the slogan of economy and efficiency are pleading and even demanding that the Congress give up many of its constitutionally required controls over the military are much the same as those who in 1947 made the representations to which I have referred. I, for one, have reached the point of asking to see at least a prototype model of the military structure and not simply to have it described to me in very general terms by the alleged experts in this field. What do they propose to write into the blank check if we give it to them?

It is worthwhile to recall that the House of Representatives heard no testimony in opposition to the President's proposals. The distinguished chairman of our Armed Services Committee—and I commend him for it—has seen fit to hear both the pros and cons of the issue. It has been interesting to me that while editorial comment has not materially changed, the news reporting has become more objective, and now reports are published that there are at least two sides to this problem.

Moreover, many columnists and some editors have begun to question whether or not the House bill has not gone too far. Therefore, I feel that each of us

should be alert to the fact that we have so far been presented with a wealth of carefully sponsored material largely on one side of the case. The opposition is only now beginning to be heard from.

UNCHECKED EXECUTIVE POWER TO ASSIGN ROLES AND FUNCTIONS THREATENS CONGRESSIONALLY APPROVED COMBAT ROLE OF MARINE CORPS

Obviously I have strong feelings that the proposed legislation raises serious constitutional questions.

I would be less than frank with my colleagues, however, if I did not state that under this legislation I am concerned that it would be possible for any segment of our military organization to be done away with as a combat unit, with Congress having little opportunity to speak in the matter.

I do not pretend that Congress is perfect in its judgment on all matters. I think that in the framing of specific schedules of a complicated tariff, the major portions of its work must of necessity be delegated to other bodies. But in the field of military judgment, I submit that Congress has had an extremely good record, and that its record has been very good in comparison with that of the executive branch of the Government.

In the past, within a given service where one man determined the form and structure of the organization, many gross mistakes have been made. Frequently Congress alone has forced the acceptance of a concept which had theretofore been unacceptable to the Chief of Staff of a particular service.

Probably there never would have been an Air Force if it had not been for Gen. Billy Mitchell and for Congress. There might never have been a Naval Air Force if it had not been for Congress. We have had to have our military martyrs to give us an Air Force, to bring about an air arm within the Navy, to give us an amphibious force capable of carrying out that highly specialized type of operation.

If it had not been for Congress and the work of the Truman committee, there would have been the grossest abuses in the arming and in the supplying of our forces during World War II.

More recently, we have found Congress forcing an acceptance of the concept of nuclear energy for submarines, which was being resisted by some within the military services.

If it had not been for Congress, Admiral Rickover would not have been promoted, and the *Nautilus* would not have been commissioned.

This is on the affirmative side. But in a negative manner, the role of Congress is equally important. Witnesses have testified before the House and Senate Armed Services Committee that under this bill the United States Marine Corps could be reorganized into complete obscurity. I note that Secretary McElroy says that has changed his views on this point.

I believe that if any such endeavor were ever undertaken, it is possible that Congress might find some way to undo the harm done by this law and force the maintenance of the Marines as the ready combatant force of our Nation. But the important point to me lies in the principle that the Congress must not be willing to give up such authority, so clearly vested in it by the Constitution, to a member of the executive branch of our Government.

This is particularly true when, as I recalled in the Senate 10 days ago, and earlier today, the President and other close advisers of his are known to have proposed just such a breakup of the Marine Corps' central function as long ago as in 1946.

Mr. President, I ask unanimous consent that excerpts from two memorandums from General Eisenhower, then Chief of Staff of the United States Army, and another from General Spaatz, commanding general of the Air Force, which appeared in House Document No. 961, 80th Congress, be printed at this point in the RECORD.

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

In the memorandum forwarded by General Eisenhower, then Chief of Staff, United States Army, among other things we find this:

"The conduct of land warfare is a responsibility of the Army. Operationally, the Navy does not belong on the land; it belongs on the sea. It should have only technical and administrative functions on land in connection with its headquarters, bases, or other naval installations. The emergency development of the marine forces during this war should not be viewed as assigning to the Navy a normal function of land warfare, fundamentally the primary role of the Army. There is a real need for one service to be charged with the responsibility for initially bridging the gap between the sailor on the ship and the soldier on land. This seems to me properly a function of the Marine Corps. I believe the Joint Chiefs of Staff should give serious consideration to such a concept. The need of a force within the fleet to provide small readily available and lightly armed units to protect United States interests ashore in foreign countries is recognized. These functions, together with that of interior guard of naval ships and naval shore establishments, comprise the fundamental role of the Marine Corps. When naval forces are involved in operations requiring land forces of combined arms, the task becomes a joint land-sea, and usually Air Force mission. Once marine units attain such a size as to require the combining of arms to accomplish their missions, they are assuming and duplicating the functions of the Army and we have in effect two land armies. I therefore recommend that the above concept be accepted as stating the role of the Marine Corps and that marine units not exceed the regiment in size, and that the size of the Marine Corps be made consistent with the foregoing principles."

To that view, Admiral Nimitz, under date of March 30, 1946, replied:

"The basic and major issues considered in J. C. S. 1478/10 and J. C. S. 1478/11 comprise a proposal on the part of the Army (a) to eliminate the Marine Corps as an effective combat element, reducing it to the status of a naval police unit with possibly certain ancillary service functions in respect to amphibious operations, and (b) to abolish an essential component of naval aviation which operates from coastal and island shore bases. To those ends these papers propose to discard agreements on these matters which have been arrived at between the Army and the Navy from time to time over a period of more than 20 years, and which have resulted in a responsibility for functions proven highly effective in World War II.

"In matters so vital both to the Marine Corps and to naval aviation, I consider it appropriate and desirable that the Joint Chiefs of Staff should have the benefit of the views of General Vandegrift, the Commandant of the Marine Corps, and of Vice Admiral Radford, the Deputy Chief of Naval Operations for Air. Their comments are attached as enclosures A and B, respectively."

* * * * *

"I agree with the Chief of Staff, United States Army, that further exchange of papers on the subject of the missions of the land, naval, and air forces will serve no useful purpose. It is further apparent that the question is part of the larger one of the merger of the War and Navy Departments, which proposal was, at the Army's insistence, referred to the President and which is now before the Congress. Thus, the matter now under consideration has already reached levels higher than the Joint Chiefs of Staff."

General Spaatz, commanding general, Army Air Forces, wrote:

"I recommend therefore that the size of the Marine Corps be limited to small, readily available and lightly armed units, no larger than a regiment, to protect United States interests ashore in foreign countries and to provide interior guard of naval ships and naval shore establishments."

General Eisenhower, Chief of Staff, United States Army, also wrote:

"The following is proposed for consideration: * * *

"(1) That the Marine Corps is maintained solely as an adjunct of the fleet and participates only in minor shore combat operations in which the Navy alone is interested.

"(2) That it be recognized that the land aspect of major amphibious operations in the future will be undertaken by the Army and consequently the marine forces will not be appreciably expanded in time of war.

"(3) That it be agreed that the Navy will not develop a land army or a so-called amphibious army; marine units to be limited in size to the equivalent of the regiment, and the total size of the Marine Corps therefore limited to some 50,000 or 60,000 men."

Report by Army members of Joint Staff planners (proposal):

* * * * *

"Provide landing parties with the fleet to protect United States interests ashore in foreign countries in operations short of war, and in time of war to conduct raids and small-scale amphibious demonstrations.

* * * * *

"Perform necessary functions aboard ship, at naval installations, and in the ship-to-shore phase of amphibious operations."

Mr. DOUGLAS. Mr. President, from the record, therefore, it appears that the blank check may be filled in quite to the contrary of the judgment of Congress concerning our national-defense and security needs.

In this connection we should remember that powerful elements within the Army's general staff have for a long time believed that the Marine Corps should be eliminated as a combatant force. That was nearly carried out, I believe, in 1930 and 1931; and certainly it was a part of the plan of 1946 and 1947. If it had not been for the legislation which Congress passed in 1952, and which I had the honor to sponsor, the Marine Corps might well have been eliminated then as a combatant force. So we are not conjuring up nonexistent possibilities.

Mr. President, I know that many persons believe that my position on this issue is dictated by emotion and by service loyalty. The St. Louis Globe-Democrat, a very excellent newspaper, published, on July 2, an editorial in which it virtually made that charge itself, and

accused me of being guilty of "old school tie" allegiance, and of voting for the Marine Corps first and for the United States second. It took the position that my loyalties are partial; that I put that service above my country.

Of course a favorite argumentative device is to try to discredit the motives of one who is in opposition.

It is true that I am attached to the Marine Corps. It is true that I feel loyal to the best traditions of that Corps. If that is a sin, I suppose I must plead guilty to it.

Let me say that I do not think I need apologize for the fact that, with all the somewhat varied experiences of my life, my membership in the Marine Corps is perhaps the one I cherish most, aside from my family and church relationships. Although I am not of a very bellicose or military disposition, I may say that I found in the Marine Corps a degree of bravery, technical skill, loyalty, and willingness to endure hardships which draws out the best there is in a man and gives him great pride in being a part of a chain of tradition. If devotion to those principles amount to giving loyalty to that service, I am guilty. But I submit that these principles are not in opposition to the interests of the Nation.

Some persons believe that the wars of the future will be pushbutton wars in which human bravery and human skill will not count for much; that the wars will be waged by scientists at long distance, using nuclear weapons of destruction.

I doubt very much whether that will be the case. I believe that the new weapons of destruction are so terrible that they may either destroy the world or else each side may be deterred from using them, so that the greater danger which we face is that of probing operations on the part of Soviet Russia and its allies which would give rise to so-called brush-fire wars. If we do not have the means to fight such brush-fire wars, but are compelled to use nuclear weapon deterrents, it seems to me that almost inevitably what might have been confined to a local conflict would expand into a terrible, worldwide war, with all the elements of destruction which that would bring; and therefore I believe we should be properly armed and ready to fight brush-fire or limited wars efficiently and well.

If we accept that as a thesis, then the question is, How is that best to be done? Some persons say—and I do not question their sincerity—that it can be done by only one land army and by the obliteration of the traditions and organization of the Marine Corps.

In this connection, let me say that traditions are not dead things. Instead, they influence men and affect their conduct. In the Marine Corps there is a degree of technical skill and fighting morale which I believe is of great service to our Nation and which should not be summarily dismissed; and Congress should have the right to decide whether that should be done. In fact, fundamentally the American people should have the right to decide whether it should be done.

Let me say most solemnly that if it were in the interest of the Nation that the Marine Corps be stripped of its combatant functions, I would not hesitate a moment to vote to have that done. No institution is an end in itself. It has value only insofar as it serves a general cause.

Yet, Mr. President, I submit that the history and capacities of the Marine Corps are such that we should not meekly allow the reorganizers and the theoretical experts to administer the Marine Corps out of existence, in the name of a false uniformity.

So, Mr. President, were any such dismantling of the combat capacity of the Marine Corps to succeed, the damage to the Nation's defense structure, not only to the Marine Corps, would be incalculable. Contrary to the view held in some high military circles, Congress has rightly, in my opinion, determined that we must maintain our readiness to fight small wars, which are the most probable conflicts, in view of the present state of capacity for mutual extermination. To deter the launching of such probing attacks and such brush-fire wars is vital to national security. The essential deterrent is the capacity to resist and successfully defeat such thrusts.

The combat-ready United States Marine Corps is a key unit in any such plan. To dismantle it, or to place the power to do so, as this bill provides, in the hands of those who in the past have recommended it, would be a dangerous reversal of our prior Congressional determinations concerning both the formulation and the substance of defense policy.

I notice that the Governor of the State of Wyoming appeared before the Senate Armed Services Committee and said that in his opinion under this bill it would be possible to abolish the National Guard Bureau without recourse to Congress, and that it is quite possible that the Reserves and National Guard of our country could also be abolished, with little or nothing said by Congress. That shows how broad this bill is.

Mr. President, I do not see how we can approve such a bill; nor do I believe that the people we represent, if they properly understand all the implications of the bill, will wish us to surrender the responsibilities which they elected us to discharge.

APPROPRIATION CONTROL ALONE IS INSUFFICIENT

I have heard much made of the argument that the Congress will continue to control the military through the appropriation channels.

Mr. President, I do not see how anyone can seriously advance such a thesis. It is true, the Congress can reduce appropriations and thereby can exercise some form of negative control. However, it should be borne in mind that when the President sent to the Congress his original message on this subject, he recommended that he be given authority to receive a lump-sum appropriation, and that thereafter he be given authority to determine the best use of those funds. Although this proposal has not been advanced so far in legislative form, which I attribute solely to the prompt and vigorous Congressional reaction against it, I am firmly convinced at a later time we shall hear more of this proposition.

When the Congress endeavors by the addition of funds to the appropriation acts to start programs affirmatively or to keep programs at given levels, the executive branch has never hesitated to impound those funds and to refuse to carry out the mandates of Congress. I recall quite clearly under a Democratic administration when we added about $900 million to the Air Force appropriation in an endeavor to keep it at a size commensurate with what Congress believed necessary—namely, 70 air groups—our President at that time impounded those funds. I am certain that within a very short period of time he bitterly regretted this decision because of the inadequacies of many aspects of our air arm when Korea came upon us.

Today, Mr. President, in this very Congress funds have been added to the Department of Defense appropriation to prevent a reduction in the size of the Army and to bring about a slight increase in the size of the United States Marine Corps. This stems in substantial part from the belief within the Congress that small wars will present a continuing threat for many years to come. Notwithstanding this action, public announcement has already been made that the executive branch has no intention of paying any attention to this Congressional mandate.

Where, then, is our Congressional control through appropriation? It simply is not sufficient.

SUMMARY

Therefore, Mr. President, in summary, may I say that I believe the House-passed bill to be deficient in that, first, it surrenders too much of our constitutionally specified responsibilities to the Executive, and if enacted, Congress will have little or no control over the size, shape, form, and general manner of operation of the military; second, it moves a long way toward the creation of a national general staff, headed by a single Chief of Staff; third, it would reduce the control of our civilian Secretaries over the military by reducing the authority of the Secretaries of the service departments and by placing added authority in the hands of the Secretary of Defense; and, fourth, under this bill the Secretary of Defense will be so insulated from the normal day-to-day problems by the enlarged military staff surrounding him that civilian control will have been weakened and made much less effective.

These are the areas of concern I have about this legislation. I am, therefore, first, opposed to the amendments being demanded by the President to further carry out his objectives of centralization; second, strongly in support of amendments to—

(a) Maintain at least the same degree of control over military reorganizations as exists over reorganizations generally, and that is that any military reorganization plan be subject to defeat by a simple majority of those voting in either House of Congress, and that all changes in statutory functions and missions must come to the Congress;

(b) Assure that the civilian service Secretaries continue to administer their departments and function in the chain of command to the unified and specified commands assigned to them; and

(c) Make certain that the Joint Chiefs of Staff continue to function as a long-range strategic and policy-planning group, supported by an adequate family of committees to give them the necessary advice and guidance in arriving at their decisions, and not become a national general staff.

Mr. President, I hope it may be possible to achieve these objectives by proper amendments to H. R. 12541. With these safeguards, the legislation would seem to me markedly better.

It is most unfortunate that, on the other hand, the military cries for more authority from Congress because they cannot accomplish their missions, and at the same time the record shows they do not even exercise that authority which they already possess. As Mr. Eberstadt has declared, the answer is not more authority, but more decision. There is no justification for the blank-check provisions of H. R. 12541 which are being pressed upon us.

I ask unanimous consent to have printed in the RECORD an editorial from the St. Louis Globe-Democrat criticizing me.

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

SURPRISING STAND OF SENATOR DOUGLAS

Senator PAUL DOUGLAS, of Illinois, has long been known as a chief advocate of low taxes. During the recent debate on the tax bill, Senator DOUGLAS introduced no less than 4 major amendments to repeal or reduce taxes in amounts varying up to $6 billion.

He has been similarly known for his desire to save the Government money on spending. There is very little question as to his sincerity on these two scores.

But Senator DOUGLAS has a blind spot—the United States Marine Corps, in which he served with considerable distinction. Where the Marines are concerned, the Senator is frequently prone to vote for the Marine Corps first and for the United States second.

Last week Senator DOUGLAS, in concert with Senator MANSFIELD, of Montana, addressed a letter to Democratic Senators urging resistance to the President's reorganization of the Defense Department.

This letter was brilliantly answered by Senator SYMINGTON, who, though a Democrat, has been one of the stanchest supporters of the President's reorganization plan.

The original Douglas-Mansfield letter expressed fear of the adverse effect of the President's plan on the National Guard and Marine Corps, adding that the Marine Corps has served as a vital and useful military service only because of the safeguard the corps carefully places on existing laws.

Senator DOUGLAS stated that the legislation in his opinion sharply reduces the abilities of the Congress to control the future availability of the Marine Corps and National Guard.

Senator SYMINGTON in his reply quoted the law which specifically mentions the Marine Corps as being "under the direct authority and control of the Secretary of Defense." He urged prompt action to modernize our defense structure as vital to the security of this country, and expressed the hope that special interest or regard for any particular service would not continue to prevent the long overdue reorganization of the Defense Department.

He added that the National Guard was not affected as it is not a component of the Defense Department within the meaning of the legislation.

It is perfectly astonishing the extent to which the Navy and the Marines have been able to rally Congressional and private opinion to their defense, completely surpassing in concept the requirements of the Defense Department as a whole.

Senator DOUGLAS is a good case in point, for his "old-school-tie" allegiance to the Marine Corps transcends his normal instincts for proper organization and the considerable economies which can arise out of the President's defense reorganization bill.

In other words, he is for economy every place except when the Marine Corps is involved.

Senator DOUGLAS' concern for the Marines is understandable. We share his enthusiasm for this incomparable body which has added such luster to its name over the years, but we do not place it above country itself.

Admiral Radford is an excellent case contrary to Senator DOUGLAS. When the Navy first joined action in the reorganization battle a decade or more ago, Admiral Radford was so outspoken in opposition that he was banished from Washington because his testimony was so at variance with the ideas of the President and many within his own service.

Since that time, Admiral Radford has resumed his rise in the Navy and finally became the first naval officer to serve as chairman of the Joint Chiefs of Staff, our highest military position. This service gave him the broad rather than the narrow approach of one branch only. As a result of his experience, Admiral Radford, along with Senator SYMINGTON, is now one of the most outspoken proponents of the President's reorganization plan.

We wish Senator DOUGLAS would similarly see the light. He is ordinarily a constructive thinker whose stature should not be jeopardized by his taking the narrow view when the Nation so desperately needs a broad approach in the interest of the whole country and all its Armed Forces.

Time is running out for the United States. If we are to have an effective control of our Armed Forces, competent to meet any challenge, we cannot delay much longer in giving the President the authority he needs to keep America strong and free.

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

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

Mr. MANSFIELD. I wonder if the Senator from Illinois can give us any information of the extent to which the civilian bureaucracy in the Pentagon and the Department of Defense has increased in the past 6 or 7 years.

Mr. DOUGLAS. I can say that originally they expected to add about 100 additional personnel.

Mr. MANSFIELD. That is in the office of the Joint Chiefs of Staff.

Mr. DOUGLAS. No; that was in the Office of the Secretary of Defense. Does the Senator mean in the entire Pentagon?

Mr. MANSFIELD. Yes.

Mr. DOUGLAS. Those figures can be obtained for the RECORD. Year after year I have noticed how the number has been swollen, so to speak, until it runs into the thousands.

Mr. MANSFIELD. Can the Senator tell us what the increase in the number of Assistant Secretaries and Under Secretaries in the Department of Defense has been during the past 6 years?

Mr. DOUGLAS. The number has been about 31; and that is only the beginning, because then there are assistants to the Assistants, assistants to the Deputies, and so on.

Mr. MANSFIELD. Can the Senator from Illinois furnish for the information of the Senate the approximate number of committees and commissions which have been in existence in the Department of Defense during the past 4 or 5 years?

Mr. DOUGLAS. Hundreds.

Mr. MANSFIELD. I believe the figure is somewhere between 700 and 800.

Mr. DOUGLAS. Yes; and the sponsors of all this are the very persons who now pose as experts. The same group who put over the 1953 reorganization plan is now trying to put over the 1958 reorganization plan.

Mr. MANSFIELD. Does the Senator have any information at his disposal as to how many civilians the Chiefs of Staff of the different Armed Forces have to go through before they can reach the Secretary of the military department of which they are a part, or the Secretary of Defense?

Mr. DOUGLAS. No; I do not.

Mr. MANSFIELD. I think it should be interesting to learn that the Chief of Staff of the United States Army, Gen. Maxwell D. Taylor, has to go through 16 civilians before he can reach the Secretary of the Army Brucker. I think there are a good many activities within the Department of Defense and the Pentagon which could be reorganized without additional legislation—not that I do not think legislation is needed, but I would certainly hope to see the number of Assistant Secretaries reduced by half and the number working in the Pentagon reduced by half.

Mr. DOUGLAS. The number of officers also.

Mr. MANSFIELD. The number of generals, admirals, and the like, and the number of commissions and committees. I would like to see Parkinson's law work in reverse in the Pentagon and in the Defense Establishment.

I want to commend the Senator from Illinois for bringing this vital subject to the attention of the American people.

Mr. DOUGLAS. I thank the Senator from Montana.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 832. An act for the relief of Matilda Strah;

S. 1524. An act for the relief of Laurance F. Stafford;

S. 1593. An act for the relief of Elizabeth Lesch and her minor children, Gonda, Norbert and Bobby;

S. 1975. An act for the relief of Peder Strand;

S. 2638. An act for the relief of Nicholas Christos Soulis;

S. 2665. An act for the relief of Jean Kouyoumdjian;

S. 2944. An act for the relief of Yoshiko Matsuhara and her minor child, Kerry;

S. 2950. An act for the relief of Peter Liszczynski;

S. 2965. An act for the relief of Taeko Takamura Elliott;

S. 2984. An act for the relief of Taka Motoki;

S. 2997. An act for the relief of Leobardo Castaneda Vargas;

S. 3019. An act for the relief of Herta Wilmersdoerfer;

S. 3080. An act for the relief of Kimiko Araki;

S. 3159. An act for the relief of Cresencio Urbano Guerrero;

S. 3172. An act for the relief of Ryfka Bergmann;

S. 3173. An act for the relief of Prisco Di Flumeri;

S. 3175. An act for the relief of Giuseppina Fazio;

S. 3176. An act for the relief of Teofilo M. Palaganas;

S. 3269. An act for the relief of Mildred (Molka Krivec) Chester;

S. 3271. An act for the relief of Souhail Wadi Massad;

S. 3272. An act for the relief of Janez (Garantini) Bradek and Franciska (Garantini) Bradek;

S. 3358. An act for the relief of John Demetriou Asteron; and

S. 3364. An act for the relief of Antonios Thomas.

PUBLIC WORKS APPROPRIATIONS, 1959

Mr. BIBLE. Mr. President——

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Senator from Nevada.

Mr. BIBLE. Mr. President, I move that the Senate proceed to the consideration of H. R. 12858, the public works appropriation bill for 1959.

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

The LEGISLATIVE CLERK. A bill (H. R. 12858) making appropriation for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 12858) making appropriation for civil functions administered by the Department of the Army certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes.

ORDER FOR RECESS UNTIL 11 A. M. TOMORROW

Mr. BIBLE. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 11 o'clock a. m. tomorrow.

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

STATEHOOD FOR ALASKA

Mr. MARTIN of Pennsylvania. Mr. President, now that Congressional action has been completed on statehood for Alaska, it behooves every one of us, in all the 48 States, to welcome the new State and its people to equal and sovereign membership in the indivisible Union of States—one Nation under God.

It is, of course, known to my colleagues and to the public that my vote was cast in opposition to statehood for Alaska at this time. I reached a decision to vote against the bill after giving careful consideration to the arguments, pro and con, which were submitted during the debate.

Since the vote was taken, I have had numerous communications from constituents, some of whom agreed with the position I had taken and others who did not agree and inquired as to my reasons for voting as I did.

I appreciate these inquiries, and in order that my reasons for voting against statehood for Alaska may be clearly understood, I have set them forth, as follows:

First. The population of Alaska is about 200,000. Of these, almost one-fourth are military personnel, civilian military employees and their dependents whose residence in Alaska for the most part is temporary. This population is less than that of 15 counties of Pennsylvania. It is also below the number required for a State to be allocated a seat in the House of Representatives.

Second. The people of Alaska are by no means unanimous in the desire for statehood. A substantial percentage of Alaskans do not want statehood, recognizing that the responsibilities of statehood would create many difficult and complex problems.

Third. Only a small portion of the vast area of Alaska is privately owned. The great percentage is owned by the United States Government.

Fourth. The Territory is dependent upon the Federal Government for two-thirds of its income. It is deficient in the basic elements for a stable and self-supporting economy—population, agriculture, transportation.

Fifth. There is grave doubt in my mind whether we should ever admit as a State any Territory which is not contiguous to the present Union of States.

Sixth. Federal employees in Alaska now receive salaries 25 percent higher than those in the continental United States. If we should increase the salaries of employees in the continental United States to the same level as those in Alaska, the additional cost would be from $2 to $3 billion a year, which we cannot afford in the present financial condition.

But, Mr. President, the historic decision has been made in the American way. Upon the completion of certain specified requirements Alaska will be admitted to the Union by proclamation of the President and a new star will be added to Constellation which illuminates our flag.

INCIDENTS OF THE VICE PRESIDENT'S TRIP TO SOUTH AMERICA

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter to the editor written by a very distinguished scholar and professor of law at Willamette University, at Salem, Oreg., which deals with the action taken by the President of the United States some weeks ago in ordering American troops to American bases close to Venezuela. Professor Reginald Parker is recognized throughout the country as a keen student of international law, and I am pleased to have his letter printed in the RECORD.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Is there objection to the request of the Senator from Oregon?

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

STATES TROOP ACTION ILLEGAL

To the EDITOR:

It is reassuring that Senator MORSE—an outstanding legal scholar—has assumed the leadership of the committee that is to investigate the causes of the recent events in South America that accompanied Vice President NIXON's journey. "Armed missionaries are not liked," said Robespierre, and I am sure Senator MORSE and his committee will find this truism, plus decades of overbearing conduct toward our Latin American neighbors, at the root of the humiliating treatment our Vice President had to endure.

No doubt the Senate committee under its able leadership will also address themselves to another question, viz., just what form of international law authorized the United States Government to mass troops near Venezuela with the intent to invade that country if harm should befall Vice President NIXON?

If a citizen of the United States, Vice President or otherwise, is molested or attacked in a foreign country, that is a matter for the local police to deal with. What would we say if, for instance, Mexico would display readiness to attack us because one of her citizens or even her Vice President had been mobbed in an American city? Since the action of the United States was not based on any provision of international law, it was illegal; and being illegal it must be regarded as a "threat to the peace" in violation of article 39 of the United Nations Charter.

REGINALD PARKER,
Professor of Law,
Willamette University.

EDITOR'S NOTE—It is presumptuous for a mere editor to question a law professor on matters of law; but since United States troops were moved only to United States bases we fail to see where there was anything "illegal" about it. Whether it was a "threat to the peace" is a different question. Also different is the question of policy. Most of the press comments were critical of the President's action from the standpoint of public policy.

URBAN RENEWAL

Mr. CLARK. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. MORSE. Mr. President, I ask unanimous consent that I may yield to the Senator from Pennsylvania without losing my right to the floor.

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

Mr. CLARK. I thank my friend from Oregon for his typical courtesy in per-

mitting me to make a brief comment and insertion in the RECORD.

Mr. President, in yesterday's CONGRESSIONAL RECORD, under the heading "Title III, Urban Renewal—Omnibus Housing Bill," a statement was inserted on behalf of the Senator from Connecticut [Mr. BUSH] in which statement the Senator urged that when the omnibus housing bill comes before the Senate, as it will later this week, the Senate should adopt an amendment which he sponsors, to reduce the share of urban renewal to be paid for by the Federal Government.

I hope very much that those of my colleagues who read the argument of my friend from Connecticut to that effect will also have an opportunity to read these very brief words.

My friend the Senator from Connecticut speaks as a friend of urban renewal, and points out the enormous cost of the program which will be necessary in order to clear American slums. He states:

> The total of $2.1 billion is a large sum, but it represents only a fraction of the staggering costs of slum clearance and urban renewal which face the cities of America. The job will be tremendously expensive, requiring large expenditures of public funds, as well as far greater expenditures of private capital.

Where is this money coming from? The second article in a series which is appearing in the Christian Science Monitor, written by Earl W. Foell, entitled "An American Slum Tragedy" gives the answer. This article points out that more than 15 million Americans, about 1 out of every 4 city dwellers, live in slums, and that more than 12 million urban dwelling units are considered deficient in some major respect. The article also points out that the estimated cost of remedying this situation will be somewhere between $75 billion and $90 billion of Government and private funds, of which $15 billion would have to come from various agencies of Government.

In a moment I shall ask unanimous consent to have the article entitled "An American Slum Tragedy," printed in the RECORD as a part of my remarks. I point out preliminarily that a very small part of the total of $90 billion needed to clear our slums is called for by the bill which we shall shortly consider. Yet my friend from Connecticut wishes to cut the Federal share of that amount, and to reduce it from two-thirds of the total grant for urban renewal to only 50 percent.

The distinguished Senator from Connecticut points out that his State of Connecticut, the State of Pennsylvania, the State of New York, and 1 or 2 other States have finally arrived at the point where they contribute some State money to urban redevelopment, and he concludes that because of that fact we should decrease the Federal contribution. Yet, if we do so, we can rest assured that to clear up our slums will require not 20 years, but nearer 50 years.

I believe that each Senator should search his own heart to determine whether his State is likely to make a substantial contribution to slum clearance and urban redevelopment. What with legislatures gerrymandered against city interests; what with the lack of interest in urban problems shown by far too many of our State legislators; and what with the relatively poor status of the tax revenues left to the States, as opposed to those usurped by the Federal Government, I hazard the prediction that in the foreseeable future not more than half a dozen States, at the most, will make a contribution to urban renewal.

So I hope my colleagues will give careful thought to the very real danger that if the proposal of my friend from Connecticut is adopted, it will mean an end to urban renewal and slum clearance in all save a handful of States; and that States like Connecticut—and to a lesser extent my own State of Pennsylvania—which are willing to make a modest contribution to the enormous overall cost of the undertaking will be encouraged to do so, as, indeed, they should be, but the result will be merely that the slums in the richer States—and there are plenty of them—will be cleared more quickly than in States where economic resources are not adequate.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the article entitled "An American Slum Tragedy," written by Earl W. Foell, and published in a recent issue of the Christian Science Monitor.

I hope my colleagues will give careful and prayerful consideration to this question when it comes before us in a few days, and that they will do nothing to upset the present, long-established and sound ratio between Federal and local contributions to urban redevelopment.

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

AN AMERICAN SLUM TRAGEDY

(By Earl W. Foell)

"I view the great cities as pestilential to the health, the morals, and the liberties of man."—Thomas Jefferson.

"Yaahuh, man, you think that was purty good? Just watch me clip the top windah." One of the four young boys stooped down in an exaggerated windup and hurled a piece of brick squarely through the remaining unsmashed pane in a 3-story house. There was a short tinkle of glass. A few passers-by on the street looked up. No one stopped the game. The four boys, out of targets for the moment, began to saunter off. One whacked an orange crate in an alley with a chair slat he was carrying.

The scene was Baltimore. But it could have been anywhere, particularly in the jumbled older sections of the eastern cities.

None of the boys realized, of course, that they had just caused the premature death of a solid red-brick building which otherwise might have displayed its homely mansard-roofed facade for another 3 or 4 generations, given proper care. To the boys it was just a target.

Actually, such brick slingers simply deliver the coup de grace. The causes of the premature decay of buildings in downtown areas lie in a complex chain of social and financial occurrences which will be traced below.

Baltimore has been one of the more active cities in the Nation in attacking blight in its downtown area. Today it is working on a huge new plan to remake the very heart of its business district and raise tax revenues five times in doing so.

SLUM PARADOX

But in an area not far from the scene of the rock-throwing incident there is another slum paradox. James W. Rouse, an active Baltimore planner and Mortgage Bankers' Association officer, reports that "at Johns Hopkins we bring people from all over the world to study sanitation, yet just a block or so away 15 people from 3 families are living crammed together in 4 rooms served by only an outdoor privy."

The tragedy of America's slums, existing in the midst of one of the most prosperous civilizations the world has known, is a tragedy of the family—and it is extensive.

Consider these national statistics:

More than 15 million Americans live in slums—about 1 out of every 4 city dwellers.

More than 12 million urban housing units are considered physically deficient in some major respect.

Of these, some 7 million are classified as substandard. About 4 million are badly dilapidated.

Richard L. Steiner, Director of the Federal urban-renewal program, states categorically that there is "no solution but demolition for some 5 million of these."

His estimate is that it would cost the Nation some $70 to $95 billion in Government and private funds to rebuild these decayed buildings. Other estimates top $100 billion. Mr. Steiner's cost figure is based on the Government's experience in dealing with some 525 projects which are razing, or will raze, strategic but only token slum areas to make way for new buildings in more than 317 American cities. Broken down, it assesses the Government share at $15 billion; private investors at $60 to $75 billion.

PRESSURES FEED ON ONE ANOTHER

Even in this day of the glib billion, that is a lot of money, most of it destined to come from private investors. And private risk capital for this field is dwindling at the moment, as was shown in the first article in this series June 24.

Areas of building decay come in many sizes, as urban-renewal projects indicate. These range in area from a few blocks to 1,200 acres in Atlanta, 2,000 acres in Nashville, Tenn., and 2,500 acres in Eastwick, Pa. (near Philadelphia).

A typical slum is formed through the coincidence of many pressures, most of which feed on one another.

Socially, the process is roughly this: Immigrants (southern rural Negroes and whites, for instance) arrive, want inexpensive rooms near factory jobs. Real estate speculators chop up existing houses into single rooms, get up to 50 percent return on investment. (Examples from Chicago, Los Angeles, and New York reached this high. Average return on converted tenements ran over 22 percent.)

Soon other neighborhoods are deserted because of fear or speculators' offers to buy at a good price. Even middle income, good housekeepers among the older immigrant groups are forced out by unassimilated newcomers. Mortgage money for improvements of remaining good houses becomes almost nonexistent. Deterioration of buildings is speeded by unconcern of both renters and absentee owners.

The financial forces that help produce a slum are extensions of the social forces:

High tax rates arise in cities, partly because they are forced to serve people from outside their taxation limits, partly because of the slum growth caused by social pressures. As buildings decay and house up to six times the number of tenants originally intended, they cost more and more to police, to give fire protection to, and to serve with utilities, schools, etc.

At the same time their assessed valuation is so low that tax revenue sinks slowly below cost of city services. High taxes, in turn, force other homeowners to flee to the suburbs: new slums. Businesses flee to join their customers and their employees.

This typical process of slum formation can be stopped. But spot clearance and rebuilding alone will not do it.

Even if the money is found to demolish 5 million substandard dwellings and replace them with modern, spacious housing, the surface of the problem has only just been scratched.

For the 7 million remaining deficient dwellings, for neighborhoods with random spots of decay, for the almost untouched industrial slums, other weapons are needed.

All of these are really tough problems to manage.

Federal urban-renewal law provides for rehabilitation of areas which don't need to be razed, yet should be renovated. This should be a virtually essential process for the areas adjacent to a redevelopment project, lest, once the gleaming new buildings are in place, they be engulfed by the near-slum neighborhoods around them.

Although some 17,000 acres in 100 projects across the Nation are now scheduled for the rehabilitation process—which involves 100 percent Federal insurance of mortgage money for repairs—officials in Washington are far from satisfied with progress in this area. For one thing, only some 106,000 dwellings are involved in rehabilitation in the 100 projects.

The other relatively untouched area of urban blight is the industrial slum. Many such downtown factories simply have been made obsolete by mechanical progress. Others have been left to marginal manufacturers when the original tenant moved to the suburbs.

DOWNTOWN AREAS CLOGGED

Whatever the cause, industrial slums clog most downtown areas. Many lie along the former transportation routes of the cities—the rivers and harbors, old highways and rail spurs.

Current Federal law allows for only about 10 percent industrial redevelopment in the predominantly housing-oriented urban-renewal legislation. Almost every city official or planner interviewed for this series expressed strong interest in amendments to make the law more flexible on this score.

In Detroit, Mayor Louis C. Miriani, backed by a strong coalition of civic and business leaders, has laid plans to rehabilitate at least 1,000 acres of industrial slums into modern industrial parks with adequate parking and expansion room. In order to convince the Federal Government of the need for such rehabilitation, Detroit has undertaken a 17-acre pilot project, using only its own funds. The city has reason for concern. In 20 years its downtown area declined in assessed value by some $100 million.

Senator JOSEPH S. CLARK, Democrat, of Pennsylvania, probably the chief Congressional backer of urban legislation, throws one note of caution into this clamor for Government aid in demolishing industrial slums.

"If local planners are given carte blanche on this matter," he says, "the whole urban-renewal program would turn into a gigantic race to see which city can lure the most manufacturers away from which other cities—all at the expense of the drive to rid us of slum housing."

HIGHER RATIO URGED

The Senator suggests that the legal proportion of industrial redevelopment allowable in the renewal program be upped to 15 percent to provide more flexibility, and that Washington make easy loan money available for manufacturers who want to rehabilitate or rebuild.

However discouraging the prospect for solution of these problems may seem, there is ample evidence that a kind of carrot-and-stick logic is going to force progress.

Most of these slum and near-slum areas are what Mayor Richard C. Lee, of New Haven, calls Tiffany real estate with Bowery buildings. The stick end of the logic is that they are costing the cities more than they are bringing in in taxes. The carrot end is that where renewal has been completed it has skyrocketed tax revenues from 2 to 7 times what they were.

Mayor Lee's city provides a good example. New Haven's Oak Street redevelopment area—44 acres in the heart of town—was a slum with, among other things, an estimated 10,000 rats. It was costing the city $200,000 a year for fire, police, health, and other services, while bringing in only $105,000 a year in property taxes.

H. Ralph Taylor, urban-redevelopment director for New Haven, estimates that when the project is completed tax revenues will have tripled and the cost of services may be cut by as much as one-half.

RETURN CALCULATED

Washington, D. C.'s Southwest renewal area, when its proposed new buildings are completed, is expected to jump its tax yield from $451,000 to $3,430,000 per year. This gain, projected to Washington's other renewal projects, gives hope of a total increased tax yield of $7 million a year, which would mean the amortizing of the District's own cost for urban renewal in a period of 10 years.

Nashville officials calculate a 10-percent return on money the city has invested in urban renewal again because of increased tax revenues.

Similar gains are reported in every section of the country.

The sticking points that keep cities from jumping into this bonanza are: (1) antiquated debt limits which restrict them from raising money to initiate projects; (2) the lack of private capital to follow through in many cities; (3) slowness of the governmental process; and (4) the enormous social and legal problem involved in transplanting thousands of slum dwellers to other areas.

Some promising experiments are being carried on in various cities. In Philadelphia, for example, the local housing authority is buying private, single-family houses for use as public housing. Officials in the Urban Renewal Administration in Washington see this as a possible strong assist to the rehabilitation process. Using it as a tool, local authorities could help solve the problem of where to put displaced families at the same time they were taking over and keeping up key dwellings in rehabilitation areas.

BUILDING CODES ENFORCED

Chicago, Baltimore, and St. Louis are fighting to prevent building decay before it starts with tough licensing laws. These laws require owners of tenements, flophouses, and other substandard housing to register or be subject to fine and jail sentence. Absentee owners remain absentee but are at least easily identified when building codes are enforced.

Officials in every one of the 22 cities surveyed for the Christian Science Monitor reported increased enforcement of building codes. Most cities now are regularly demolishing substandard buildings and charging razing costs to the owner's tax bill. Despite this, city officials almost without exception state that slum- and new-building code violators manage to get one jump ahead of undermanned code inspection staffs.

It is for this reason that Boston's South End and Roxbury districts harbor some 8,000 buildings, most of which are uninsurable under regular fire policies. And it is for this reason also that only 48 out of 600 buildings in downtown Providence, R. I., were scored "good" in a recent planning department survey.

Even the newer cities of the country are not immune. A Los Angeles planner estimates that that sprawling city should renew its buildings on an average of once every 80 years. Some new developments are likely to become slum bait long before that period of time has elapsed. A Willow Run, Mich., housing subdivision, built during World War II, was recently declared a slum—after less than two decades of existence.

POLITICAL IMMORALITY

Mr. MORSE. Mr. President, in a few moments I shall discuss some aspects of the problems of political morality raised by the Sherman Adams-Goldfine case. Then I wish to relate that case to criticisms of the senior Senator from Oregon now being written by reactionary editors in the State of Oregon, who seek to divert attention away from the unconscionable conduct of Mr. Adams by attempting to smear the entire Congress, including the senior Senator from Oregon, with the charge that there is no difference between campaign contributions and borrowed rugs—if they are borrowed—or $2,000 hotel bills which were concealed until they were dug out, and the other evidence of the conflict of interest which has come to honeycomb the Eisenhower administration.

My major premise today is based on what I consider to be the most penetrating and keen analysis of the basic principles and issues involved in the Adams case that I have read to date. I refer to the remarkable analysis in the Walter Lippmann column of this morning. Although I understand that it has been inserted in the CONGRESSIONAL RECORD, I intend to read it into the RECORD line by line, with a digression now and then by way of personal comment.

In this column Walter Lippmann has presented to the American people the moral issue involved. As I have been heard to say previously on the floor of the Senate, after all, the basic principles of good morals and good ethics constitute the code which should be followed in the Congress as well as in the other branches of government. If such principles are good for one's private life, they are good for one's public life. I believe that the American people elect candidates to office with the expectation that in carrying out their appointive powers they will insist upon the same code of moral and ethical conduct that they represent to the voters they themselves intend to follow as elected officials.

Mr. Lippmann had this to say this morning:

Thus far, the defense of Sherman Adams, as managed from the White House, has silenced the President on a moral issue about which it is his special and peculiar duty to speak out and give the country a lead. The crucial question about Governor Adams is not in the field of statutory law. It does not turn on whether there was a corrupt relationship between Adams and Goldfine which could be dealt with in a court. The question posed by the hotel bills is in the field of manners—that is to say, what conduct is becoming to a gentleman who sits at the right hand of the President of the United States.

It is the special duty of any President to answer such a question. And in view of all that he has had to say about leading a crusade to clean up Washington, it is the peculiar duty of this President to answer the question. But Mr. Eisenhower has evaded it. As matters stand after his public statements, his moral judgment is that it was imprudent

of Adams to accept Goldfine's contributions to his living expenses, but since there is no evidence that any law has been violated, the incident ought to be considered as closed.

Mr. President, I digress to say that the evidence is replete that a law was violated. There can be no question, in my opinion, about the fact that the supplying to Mr. Adams of confidential information from the Federal Trade Commission by Mr. Howrey involved a violation of the law. I believe Mr. Adams was an accomplice to that action.

I believe there was another violation, if not of the letter of a law, certainly of good ethical conduct. Mr. Adams well knows, as I have said in another speech on the floor of the Senate, that, when he picks up the telephone and calls the chairman of a commission whose appointment is dependent upon the White House, he does not have to do more than express an interest in a case in order, in fact, to bring undue influence to bear upon that Commission.

It is said by the apologists for the Eisenhower administration that there is no showing that Mr. Goldfine in fact received any special favors from the Commission. What has that to do with the issue? There is involved the basic ethical problem of whether the man who speaks for the President in the White House picked up that telephone and made the inquiry that he made about the Goldfine case. They can use all the printer's ink they want to, and they can use all the Madison Avenue public-relations experts they want to, to try to becloud the issue. The fact is that Mr. Adams on the record participated in an attempt to get information for a friend, who paid $2,000 in hotel bills for him and made a rug available to him, either by loan or by gift—it does not change the moral issue whether it was loan or gift—and, as the record of the House committee has shown and as other records will show if they are disclosed, Mr. Adams had misused his office. But the President says he needs him.

I am perfectly willing to let the American people be the judges of the ethics of the President in regard to the position he has taken. I hope he will read the Lippmann column. It would be interesting to know what the President's answer to the Lippmann column would be. Mr. Lippmann goes on to say:

In accepting Goldfine's money no serious offense has been committed, so we are asked to believe, as long as there is no legal proof that Adams repaid Goldfine by obtaining special favors from a Government agency.

Mr. President, I digress again to point out that he got a confidential memorandum from the Chairman of the Commission, and that confidential memorandum made clear who the people were who were complaining against Goldfine's alleged unethical business practices. The record is perfectly clear that Goldfine obtained that information through the intervention of Mr. Adams. It is important that we bring the American people back—after the reactionary press of this country gets through trying to do a "snow" job in the Adams-Goldfine case—to this very simple basic principle of morality which is involved in the conduct in the Adams case.

Mr. Lippmann goes on to say:

It is not possible to close the incident on this point and at this level. For that would mean that on the authority of the President and with the consent of the country, the standard of official conduct in the White House had been greatly lowered and loosened. The rule would be that money can be accepted from interested parties provided nothing is done to repay them. This is not good enough for the President in the White House, and it impairs the dignity of his office to have to discuss it at all.

The most compelling reason for refusing to let the incident be closed is the moral damage which is being done by the defense and the apologies that are being inspired from the White House.

The argument that money may be accepted provided nothing is given in return is an attempt to befuddle the real issue. It conceals the main point which is that what is customary and perhaps tolerable elsewhere may be intolerable in the close official family of the President. Of those who are at the top, the country has a right to demand a self-imposed standard of conduct which is much higher than the laws against bribery and graft. That was in essence the principle on which General Eisenhower ran for President in 1952.

The ultimate power of the state cannot be entrusted to men whose conception of public virtue is that their integrity is adequate if they cannot be convicted of crime. It is not asking too much that in the highest places men must be an example of what ought to be the general practice. They cannot excuse themselves by saying that in fact they have done only as many others have done.

There is a very simple rule by which we can test the rightness or wrongness of a course of action or a proposed course of action. In one of my recent speeches on this general subject I called attention to a problem we parents have in trying to instill in our children a sense of ethical values. There is not a parent in America who has not been confronted with that very perplexing and sometimes stumping point raised by a child who says: "Well, dad, why can't I do it? Susan does it." Or as we used to say as youngsters, "I don't see why I can't go swimming in the pond. Jim and Harry and Mary and Ellen do." Mother knew that it had several dangerous traps in it.

The same principle applies to public life. The apologists for Adams, seeking to reflect upon Congress, say: "What is wrong with what Adams did? Some Members of Congress do what may be worse." I shall deal with that later. But what has that got to do with this question of the morals of Mr. Adams' or lack of them?

What has that to do with the failure of the President of the United States to take a stand consistent with his preachment of 1952, when he was a candidate for office? As I said the other day, in 1952, the Republican candidate for the Presidency rode into office on a white charger labeled "political morality." His principal slogan was that it was "time for a change." But the American people have discovered that the horse was painted to cover up the political immorality of conflict of interests which has honeycombed the Eisenhower administration from the time of the appointment of his first Cabinet.

No; the President of the United States must be held to an accounting, just as Walter Lippmann does in a devastating fashion in his unanswerable column in today's Washington Post and Times Herald. Mr. Lippman goes on to say:

It is a very demoralizing argument, which has been urged since the disclosures, that everybody is doing it, and so why set up a hypocritical outcry because one more official is found to be doing it. This cynical policy is not in fact true.

Lippmann then says, and I want to stress it:

Everybody in the Government is not doing it. In politics and in business there is, as we all know, a big trade in influence, and a great deal of loose conduct. But once we adopt the view that loose conduct can be tolerated by the President in the White House, we have surrendered and we have quit in the unending struggle for good government.

The line taken by the defense is a greater injury to the country than the original offense itself—than the hotel bills and the telephone calls. Governor Adams, having confessed to imprudence, to what is undeniably loose conduct, can only be retained in the White House by tearing down the higher standards of conduct. Such a defense, if it prevailed, would be a moral disaster.

I do not know how it could be put more clearly than Walter Lippmann has put it. I am so glad he stressed—because it is one of the things I want to stress this afternoon—the fact that everybody is not doing it. It is most unfortunate that some of the writings and some of the public statements by the press and in and out of Congress have given the impression—and they were bound to give the impression because of the phraseology used—that conflict of interest is rife in Congress. I said on the floor of the Senate the other day, and I repeat today, that those who make that charge should either put up or shut up.

Undoubtedly there is malfeasance in office within Congress; but after 13 years in the Senate, I express again my exceptionally high opinion of the integrity and the morality of the overwhelming majority of the Members of Congress as I have known them.

Some apologists for Adams seek to give the impression that campaign contributions from members of unions, members of farm organizations, members of small business groups, teachers, doctors, and other individuals in all walks of our economic life are on the same level as undisclosed, concealed, conflict-of-interest gifts which may be given to a Government official, including a Member of Congress.

The reactionary press in my State is having a field day as it seeks to divert attention from what is taking place in the Eisenhower administration by seeking to plant the idea in Oregon that because the senior Senator from Oregon, in 1956, received campaign contributions from members of unions, as he did from many other individuals, that puts him in the same class as Mr. Adams. To give the Senate a little example of the nature of the criticism of the senior Senator from Oregon, I shall offer for the RECORD an editorial from the Capital Journal of

Salem, Oreg.—which is no Morse newspaper—dated June 28, 1958. The editorial is entitled "MORSE and Morality."

The editor fails to point out to his readers the great differences between a concealed, undisclosed gift and campaign contributions made under the law, within the law, and publicly disclosed to the voters of the State, and made not to the candidate, but to a campaign or finance committee of a candidate.

Mr. President, I ask unanimous consent that the entire editorial be printed at this point in my remarks.

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

MORSE AND MORALITY

A Washington Associated Press dispatch says "Senator WAYNE MORSE, Democrat, of Oregon, told the Senate Wednesday that he has asked Attorney General William Rogers to investigate Sherman Adams." "In the Adams case we have a clear case of wrongdoing," he said, alluding to gifts Adams accepted from Bernard Goldfine, Boston industrialist. The dispatch said:

"MORSE quoted newspaper columnist Roscoe Drummond as saying some Members of Congress were concealing their own gifts, campaign contributions, conflict-of-interest habits which dwarf those they so piously deplore.

"The Senator said no one would fight any harder than he to 'clean out any proven conflict of interests on the part of any Member of Congress.

" 'The immorality of Sherman Adams is no justification for an attempt to besmirch Congress.' "

MORSE stated that in 1956 "an individual of some wealth sought to give him some livestock," and, though the offer was refused, sent the livestock to his Maryland farm. He continued:

"The proposed donor was notified that unless he got the livestock off the farm within 3 days it would be delivered at his expense to the Meadowbrook Saddle Club at Rock Creek Park, because I did not accept gifts, and I wanted the livestock off the farm forthwith. The livestock was taken off immediately."

David Lawrence, in his Washington column in Thursday's Capital Journal, correctly states the issue raised by the Adams episode, as follows:

"The issue, in a nutshell, is not just the gift of a $200 coat or a $2,000 hotel bill, but the gift of $725,000 to elect a United States Senator and the known and formally reported expenditure of $2,200,000 by labor unions to elect a Democratic Congress." He quotes the speech printed in the CONGRESSIONAL RECORD by Representative RALPH W. GWINN, Republican, of New York, who said:

"In the 1956 elections organized labor was active in 300 of the 435 Congressional District elections, and were successful—that means that their man got elected—in more than 175.

"In 1954 a total of $725,000 was spent by the United Automobile Workers, CIO, in support of Senator MCNAMARA in Michigan. If the unions spent only one-half as much in the 30 senatorial contests in 1956 as they spent in Michigan in 1954, it would amount to $150 million. * * *

"At least $62 million is spent for political purposes annually, or a total of $124 million for each biannual election of Members of Congress.

"Is it any wonder that few pieces of legislation pass contrary to the recommendations of the leaders of organized labor?"

As Lawrence says, "it is, of course, only an assumption that Members of Congress are influenced in their voting on labor subjects by gifts their campaign funds received from unions, but the critics in Congress are assuming the same thing with respect to Sherman Adams, notwithstanding the testimony of the members of these commissions that no improper influence was exerted."

Senator MORSE, who is always attacking the Republicans, who twice elected him United States Senator from Oregon, and then betrayed them, viciously assails the "immorality of Sherman Adams," but sees no immorality in accepting $58,012 campaign contributions from labor unions during his campaign for reelection in 1956.

All that Congress has to do to end attempts to purchase elections is to amend the antitrust law by including labor organizations. All that States have to do to restore the constitutional rights of citizens to a job is to pass a right-to-work law eliminating compulsion. (G. P.)

Mr. MORSE. Mr. President, the Port Umpqua Courier, of Reedsport, Oreg., has reprinted an editorial published in the Corvallis, Oreg., Gazette-Times, and entitled "Vicuna Coats: Campaign Contributions Different?" In that editorial, a reactionary editor likewise seeks to give the impression to the readers of his newspaper that there is no difference between concealed, conflict-of-interest gifts and open-campaign contributions.

I ask unanimous consent that the editorial from the Corvallis Gazette-Times be printed at this point in my remarks.

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

VICUNA COATS: CAMPAIGN CONTRIBUTIONS DIFFERENT?

We have already expressed ourselves on the terrible judgment of Sherman Adams in his relationship with Bernard Goldfine. It is in no way excusable in a man of his many years of public service.

But this again brings up the question of campaign contributions. Is there any correlation in the action of Mr. Adams and, say, that of Senator WAYNE MORSE?

The latter in his campaign, according to Congressional Quarterly, received $24,150 in 1957 to help pay off the campaign debts incurred in his 1956 race against Douglas McKay. MORSE had reported a $34,340 campaign fund deficit and about two-thirds of this was wiped out by gifts from the AFL-CIO, textile, railway, auto, and steel unions.

Now, after he gets into office, is Mr. MORSE expected to ignore these labor people and never make a phone call or an appointment in their behalf?

Getting even closer to home we find that in the last gubernatorial campaign Gov. Robert Holmes received among others $2,500 from the Oregon Labor Council and $500 from the United Steel Workers of Los Angeles. Does this mean nothing to Mr. Holmes?

In order to be fair we must also advertise that all the Republican candidates who opposed the two above mentioned Democrats also received generous financial support from various private sources.

Now, we want to know, what is the difference between Sherman Adams and his $700 vicuna coat and any successful candidate who receives campaign contributions?

Maybe it is time the whole field of public conduct and campaign contributions be examined.

Senator NEUBERGER has been suggesting for some time that perhaps it would be wise to make some sort of Government subsidy for political parties so that the candidates wouldn't be beholden to any particular self-seeking group. Mr. NEUBERGER also has a bill before the Senate which calls for new conflict-of-interest laws for Congressmen (but our chances of catching a 75-pound salmon are better than its chances of passage).

Lawmakers are screaming the loudest about Sherman Adams and certainly the squawks are justified, but lawmakers and all elected officials should be willing to abide by the same standards of morality and ethics they want to impose on others.

There are those who have been heard to ask, What about $30 million campaign funds to elect Presidents and $500,000 treasuries to put Senators into office? Is not this a real evil? Why is it wrong to take a coat, mink or vicuna, but right to take $10,000? Senators heavily in debt to labor unions for campaign funds have berated Sherman Adams for accepting a rug. Senators far more heavily indebted to oil companies or utilities once berated General Vaughan for accepting a deep freeze. Does it all add up?

As a former teacher of law, one of my first tasks in determining whether a student had the intellectual ability to handle law-school work was whether he could deal with distinctions. If he could not deal with distinctions and could not handle basic, abstract problems, I discouraged him from the further study of the law.

Part of this drive to give the American people the impression that Congress is honeycombed with conflicts of interest growing out of campaign contributions is exemplified in a recent article written by the Associated Press news analyst James Marlow, whose article was published in my hometown newspaper, the Eugene Register-Guard, of June 30. That newspaper periodically dips its editorial pen into my blood and scratches out anything but a complimentary editorial. It indulges in the same kind of propaganda that Mr. Marlow included in his article of June 30, which makes the fodder for the kind of propaganda that the Eugene Register-Guard disseminates about me.

So I have written to that newspaper a little epistle, by way of a letter to the editor, which relates to the subject matter of my remarks this afternoon; and I propose to read at this time a part of that letter. In my letter to the editor, I said:

The Associated Press news analyst, James Marlow, whose column appeared in your paper on June 30, and other news articles on the subject in your paper, have missed the boat in their discussion of conflicts of interest in government, because the difference between campaign contributions and the Adams gift is the difference between public knowledge in the first case and secrecy in the second.

The Morse bill requiring full disclosure of all sources of income by both elected and appointed Federal officials receiving salaries over $10,000 has been before the Congress since 1946. It would supplement existing laws which now make public the sources and amounts of contributions to political campaigns. I have reintroduced the bill in each Congress since 1946.

For years I have pointed out the need for reform in our Federal election laws, including the financing of political campaigns.

In fact, Mr. President, it has been my position that our method of financing political campaigns is probably the No. 1 cause of corruption in American politics. I have said so on many occasions. I repeat the statement today. But it does not follow that campaign contributions have corrupted a majority of the politicians of the country. Yet when

when we read the article, we are left with the impression that all politicians are corrupted by campaign contributions.

One of the reasons why for many, many years I have urged the enactment of my full public disclosure bill and have on more than one occasion appeared before Senate committees and there urged the adoption of amendments to the Corrupt Practices Act is that I believe it is important that there be eliminated from public office those who have been corruptly influenced. But what I protest now, and what I have been protesting for the past several days, Mr. President, is the result of some of the innuendoes and some of the writings and statements which leave the impression that all politicians are corrupted by campaign contributions. One obtains that idea by implication from some of David Lawrence's writings. It is too bad that he does not take the time to point out what is required by way of public reporting in connection with campaign contributions. It is too bad that the writers and speakers who are so strenuously criticizing Members of Congress in regard to campaign contributions are not fair enough to tell the American people the legal requirements that a candidate has to meet in connection with campaign contributions.

So, Mr. President, for the benefit of the Eugene Register-Guard, I called attention to the distinction between a secret gift and a campaign contribution, in the following words:

> It does not follow that when a candidate's campaign committee receives contributions from a member of a union, or from a teacher, or a doctor, or a farmer, or a businessman, he becomes unethical and crooked. Undoubtedly there are politicians who seem to represent political machines and financial interests that support those machines; but it is a great disservice to give the impression that all politicians are under obligation to contributors to their campaigns simply because there are some politicians who are not free men. * * * It is also contrary to fact to give the impression that labor unions contribute to the campaign funds of candidates for Congress. It is illegal for them to do so, and there is no loophole in the Federal Corrupt Practices Act that permits them to do so. The law requires that political contributions for Federal campaigns must come from individual workers on a voluntary basis; and not out of the union treasury.

Mr. President, if we want a good example of bad journalism, both in editorials and in news columns, I call attention to this point, because a great many newspapers have been publishing articles about union contributions to political campaigns of candidates for Federal office, without notifying their readers that, of course, a union cannot contribute to a political campaign. But some of these superficial newspaper writers say, "Oh, but there are loopholes that permit it." I ask them to name the loopholes, Mr. President. Any successful candidate for election to Congress who accepted so-called unfree money—that is to say, union-treasury money—would be subject to having his right to a seat in Congress challenged under the Corrupt Practices Act; and I say as a lawyer that if he were a party to a subterfuge, in that connection, he would be subject to having his right to such a seat challenged.

This tactic has been a part of the anti-labor smear, too, Mr. President. It has been a part of the attempt by certain forces to besmirch the part that labor has played in carrying out its rights of citizenship in connection with such campaigns. The trouble is that such forces would like to disfranchise labor. If they could have their way, they would not have a union member participate in a political campaign.

But, Mr. President, as I have been heard to ask before, Who are these labor people? They are the ones who live next door to us, and attend the same churches that we attend, and send their children to the same schools that our children attend, and participate in the same civic activities in which the rest of us participate. I say to working people that they should participate in more political activities, not less, for the simple reason of the direct relationship between the way the Government operates and the economic freedom of every group of citizens—be they teachers, or farmers, or doctors, or the members of any other group, including union members.

Thus, in my letter to the editor of my hometown newspaper, I wrote:

> I shall always be proud of the fact that in my 1956 campaign, more than 18,000 individual workers made contributions to my campaign.

They were small contributions, Mr. President. They were part of the so-called Bucks-for-MORSE drive, in which an individual worker would make a contribution of $1 or $2 or $5 on his own, individually—as, may I say, did many teachers and many farmers, and a surprisingly large number of small-business men, whose contributions, on the average, were larger than $5 or $10, although I am sure that if in 1954 I had been running for reelection to the Senate, the overwhelming majority of the small-business men in my State would have been against me. But by 1956 they understood the consistent fight I had made in the Senate during my years here to protect the principle of competition in the American private enterprise system, without which there can be no private enterprise.

So, as I said to my local editor, "I am proud of the fact that in my 1956 campaign more than 18,000 individual workers made contributions to my campaign. I shall also always be proud of the fact that a very large number of individual farmers, teachers, small-business men and individuals from all walks of life made contributions to my 1956 campaign, which made history with respect to political independence."

I ask unanimous consent to have printed at this point the entire letter to which I have referred.

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

JULY 8, 1958.

The EDITOR,
Eugene Register-Guard,
Eugene, Oreg.

DEAR SIR: The Associated Press news analyst, James Marlow, whose column appeared in your paper in June 30, and other news articles on the subject in your paper, have missed the boat in their discussion of conflict of interest in government, because the difference between campaign contributions and the Sherman Adams gifts is the difference between public knowledge in the first case and secrecy in the second.

The Morse bill requiring full disclosure of all sources of income by both elected and appointed Federal officials receiving salaries over $10,000 has been before the Congress since 1946. It would supplement existing laws which now make public the sources and amounts of contributions to political campaigns. I have reintroduced the bill in each Congress since 1946.

For years, I have pointed out the need for reform in our Federal election laws, including the financing of campaigns. In his July 7 newsletter, my colleague quotes, for example, from a speech of mine in July 1956, to the effect that I consider the problem of political financing as the number one cause of corruption in American politics. So I do. But it does not follow that when a candidate's campaign committee receives contributions from a member of a union, or from a teacher, or a doctor, or a farmer, or businessman, he becomes unethical and crooked.

Undoubtedly there are politicians who seem to represent political machines and financial interests that support those machines; but it is a great disservice to give the impression that all politicians are under obligation to contributors to their campaigns simply because there are some politicians who are not free men.

Those who call attention to the need for election law reforms and for making conflict-of-interest laws applicable to Members of Congress are performing a public service. I have myself advocated such reforms for years.

But they do a disservice to public confidence in the integrity of the overwhelming majority of Members of Congress and officials in the executive branch when they fail to point out the distinction between campaign contributions, which by law have to be made a matter of public record, and concealed conflict-of-interest gifts to Government officials. A blanketing of publicity made campaign contributions with concealed conflict-of-interest gifts carries with it the innuendo that campaign contributions are evil.

It may be that some politicians feel obligated to contributors to their campaign funds in carrying out their work in the Senate. If so, they should speak only for themselves, and not for others.

Any campaign contributions I have received in my three campaigns for the United States Senate, for example, have been accepted by my campaign committees without any commitments and without any obligations on my part. Their sources and amounts are a matter of public record.

It is also contrary to fact to give the impression that labor unions contribute to the campaign funds of candidates for Congress. It is illegal for them to do so, and there is no loophole in the Federal Corrupt Practices Act which permits them to do so. The law requires that political contributions for Federal campaigns must come from individual workers on a voluntary basis, and not out of the union treasuries.

I shall always be proud of the fact that in my 1956 campaign, more than 18,000 individual workers made contributions to my campaign. I shall also be proud of the fact that a very large number of individual farmers, teachers, small-business men and others from all walks of life made contributions to my 1956 campaign, which made history with respect to political independence.

The day may come when the general public will come to pay, either by such mass contributions or from the Federal Treasury, the large amounts spent every 2 years

for Congressional election campaigns, and the huge sum spent every 4 years to elect a President.

But until then, full public disclosure answers the question of who is to police the policeman. The public can be counted on to police the policeman, once there is full disclosure of the facts. Give the voters the information, and let them judge whether or not a candidate is unduly influenced by his sources of income and campaign contributions.

But this problem has no bearing on the kind of immorality in the Sherman Adams case, where personal gifts to the second man in the White House were written off as a business expense, all unknown to the general public.

If the people let themselves be confused by the argument that gifts to men in high office should be ignored until we decide what to do about campaign funds, we will never make any progress toward improving either situation.

I realize that reactionary editors and Republican politicians in Oregon take comfort in any innuendo from which it may be implied that my actions in the Senate are in some way, somehow, influenced by campaign contributions. These reactionaries have certainly seized gratefully the opportunity to shift public attention away from Sherman Adams.

But I shall always be proud to stand on the record I have made in the Senate as the record of a free man who has exercised an honest independence of judgment on the merits of each issue as it has come before me, irrespective of who is for or against the issue. And I shall be proud of the record I have made in helping rout out of office the Talbotts, the Wenzells, and, I hope, the Adamses, who have not lived up to their ethical obligations.

Sincerely,

WAYNE MORSE.

Those contributions are a matter of public record. In fact, those contributed prior to 10 days before election had to be filed with the Senate of the United States, under the Federal Corrupt Practices Act, and a reference to them was made in the press of my State.

Mr. President, I shall continue to support legislation which seeks to reform the Corrupt Practices Act, and to require a public disclosure of all sources of income, including gifts, and the amounts thereof, of all public officials who receive $10,000 or more a year.

But if the American people let themselves be confused by the argument that we should not do anything about conflicts of interest, such as are involved in the Adams case, until we bring about reforms in the Corrupt Practices Act, then we shall never get anywhere with either reform.

My legal training taught me that when one has a case before the court, he should proceed to trial on that case, and not concern himself then with awaiting the determination of issues which are to be tried in other cases.

Mr. President, the problem, posed by the Adams case was brought out most effectively this morning by Walter Lippmann. I close this afternoon by asking the President, "What do you propose to do about it? The American people are not going to be satisfied with your statement that you need a man who stands before the American people, as Lippmann so clearly pointed out this morning, as one who has been guilty of political immorality in performing the duties of an appointed position of great public trust."

RECESS UNTIL 11 A. M. TOMORROW

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. MORSE. Mr. President, under the previous order, I move that the Senate take a recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 14 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, July 9, 1958, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 8, 1958:

TERRITORY OF HAWAII

Harry R. Hewitt, of Hawaii, to be fifth judge of the first circuit, Circuit Courts, Territory of Hawaii, for a term of 6 years. He is now serving in this office under an appointment which expires August 7, 1958.

IN THE NAVY

The following-named (Naval Reserve Officers' Training Corps) to be ensigns in the Navy, subject to qualifications therefor as provided by law:

William M. Akers
Ellis C. McCullough

The following-named (civilian college graduates) to be lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualifications therefor as provided by law:

Robert F. Faulkner
Louis A. Finney

The following-named Reserve officers to be lieutenants in the Medical Corps of the Navy, subject to qualifications therefor as provided by law:

John R. Boname	Michael A. Gass, Jr.
Ercil R. Bowman, Jr.	Glendall L. King
Paul D. Cooper, Jr.	Franklin M. Roberts
Francesco DePaola	Raymond D. Scala
Richard G. Fosburg	Marlyn W. Voss

The following-named (Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualifications therefor as provided by law:

Vernon H. Balster	Stanley D. Harmon
Fred O. Bargatze	William O. Livingston
Elbert L. Fisher, Jr.	Richard E. Menzel
Norman P. Goguen	Jacob R. Morgan
James B. Glover	Donald A. Schutt

Arthur C. Krepps II (Reserve officer) to be a permanent lieutenant (junior grade) in the Medical Corps of the Navy, in lieu of permanent lieutenant as previously nominated and confirmed, subject to qualifications therefor as provided by law.

Charles I. Ward (civilian college graduate) to be a lieutenant in the Dental Corps of the Navy, subject to qualifications therefor as provided by law.

The following-named Reserve officers to be lieutenants in the Dental Corps of the Navy, subject to qualifications therefor as provided by law.

Alfred C. Billotte
Richard D. Ulrey

Larry H. Kennedy, Reserve officer, to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to qualifications therefor as provided by law.

Julian J. Thomas, Jr., Reserve officer, to be a lieutenant in the Dental Corps of the Navy, and to be promoted to the grade of lieutenant commander when his line-running mate is so promoted, subject to qualifications therefor as provided by law.

Clayton R. Adams, Reserve officer, to be a lieutenant commander in the line of the Navy (engineering duty) for temporary service, subject to qualifications therefor as provided by law.

Charles W. Halverson, Reserve officer, to be a lieutenant (junior grade) in the Medical Service Corps of the Navy, for temporary service, subject to qualifications therefor as provided by law.

Hans W. Lunder, to be a lieutenant (junior grade) in the line of the Navy, limited duty only, classification "aviation electronics" for temporary service, subject to qualifications therefore as provided by law.

Fred A. Butler, United States Navy retired officer, to be a permanent commander and a temporary captain in the Medical Corps of the Navy, pursuant to title 10, United States Code, section 1211, subject to qualifications therefor as provided by law.

Joseph H. Scanlon, United States Navy retired officer, to be a permanent commander and a temporary captain in the Dental Corps of the Navy, pursuant to title 10, United States Code, section 1211, subject to qualifications therefor as provided by law.

Leanna A. Ruth, United States Navy retired officer, to be a permanent lieutenant and a temporary lieutenant commander in the Nurse Corps of the Navy, pursuant to title 10, United States Code, section 1211, subject to qualifications therefor as provided by law.

Tony G. Vandagriff, retired officer, to be a chief warrant officer, W–4, in the United States Navy, for temporary service, pursuant to title 10, United States Code, section 1211, subject to qualifications therefor as provided by law.

The following-named line officers of the Navy for temporary promotion to the grade of lieutenant, subject to qualification therefor as provided by law:

Thomas T. Cole, Jr.
Merrill E. Critz
James J. Hill

The following-named line officers of the Navy for transfer to and appointment in the Supply Corps of the Navy in the permanent grade in lieutenant:

Edward E. Peterman
Oscar C. Shealy, Jr.
James R. Turnbull

The following-named line officers of the Navy for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of lieutenant (junior grade) and in the temporary grade of lieutenant:

Robert L. Brewin
Roland A. Petrie

Ronald C. Hudgens, for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of ensign.

Joan L. White, Supply Corps, United States Navy, for transfer to and appointment in the line of the Navy in the permanent grade of lieutenant.

James W. Ross, Supply Corps, United States Navy, for transfer to and appointment in the line of the Navy in the permanent grade of ensign.

The following-named line officers of the Navy for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade):

Robert M. Mielich	Stephen E. Speltz
Matt C. Mlekush	Thomas F. Stallman
James W. Shumate	

The following-named line officers of the Navy for transfer to and appointment in

the Civil Engineer Corps of the Navy in the permanent grade of ensign:

Salvatore J. Angelico
Robert N. Brannock
Sterling M. Brockwell, Jr.
Robert F. Goodman
Darrell E. Jones
Malcolm J. MacDonald
Thomas F. Mosher
Douglas C. Potter

The following-named officers of the Navy for permanent promotion to the grade indicated:

Lieutenant, line

Earl C. Bowersox
Savas Hantzes
Henry S. Palau
Forrest A. Miller
James W. Wassell
Andre V. Ajemian
Peter F. H. Hughes
Alexander W. Rilling
John P. Leahy
Charles F. Rushing
William J. Pototsky
Donald L. Angier
James E. Foley
David M. Cooney
Lowe H. Bibby III
Joseph A. Fitzpatrick
Claude R. Stamey, Jr.
William T. Harvey
Bradford S. Granum
Donald S. Wills
Russell L. Moffitt
Frank L. Etchison, Jr.
Carl R. Pendell
Willard R. Olson
Norman R. Gearhart
Ralph N. Whistler, Jr.
Glen R. Sears
Quentin E. Wilhelmi
Peter K. Cullins
Charles G. Harnden
Richard B. Howe
Charles H. Sassone, Jr.
Gordon R. Voegelein
Carl W. Huyette, Jr.
Alexander M. Sinclair
Robert H. Heon
Harry L. Fremd
Samuel L. Chesser
Robert F. Campion, Jr.
Lawrence P. Treadwell, Jr.
Hugh S. Sease, Jr.
Robert W. Arn
Ralph W. Tobias
Eric A. Nelson, Jr.
Peter M. Moriarty
Richard J. Edris
James P. Barnes
Roy S. Reynolds
Donald A. Miller
Hal R. Crandall
Porter E. May
Edwin R. Schack, Jr.
Albert M. Hunt
Donald H. Jarvis
Thomas R. Overdorf
Albert S. Bowen III
James F. Hossfeld
Charles H. Garner
Earle R. Callahan
Harrison F. Starn, Jr.
Donald J. Maynard
Charles K. Naylor
Clifford M. Sims, Jr.
John F. Stader
Owen H. Ware
Searcy G. Galing
Frank G. Hiehle, Jr.
Edward A. Broadwell
Charles R. Irby
Wallace A. Burgess
Edward J. Condon, Jr.
John L. Smeltzer, Jr.
Chester C. Edwards
Samuel P. Ginder, Jr.
William J. Hennessy
Samuel O. Jones, Jr.
Richard M. Stafford
Forrest R. Johns
James J. Strohm
Donald A. Still
John M. Liston
Glenn M. Brewer
John M. Stump
Charles W. Streightiff
Donald M. Sheely
Samuel H. Applegarth, Jr.
Charles K. Williams
Robert A. Owen
John M. Redfield
Herbert E. Wilson, Jr.
Robert C. Brogan
John L. Head
Robert L. Miller
William C. Earl
Richard K. Fontaine
John E. Jarvies
Gordon J. Schuller
William R. Phillips
Herman C. Quitmeyer
Robert R. Boone
Grafton R. McFadden
Francis R. Willis
Daniel H. Evans, Jr.
Donald W. Knutson
Ralph W. Hooper
Arthur T. Ward
Richard T. Thomas
Irwin Patch, Jr.
Armen Chertavian
Donald A. Kilmer
Robert H. Laighton
John P. Papuga
Charles I. Garrett, Jr.
Richard B. Cunningham
Russell D. Kaulback
James M. Leiser
Michael A. Iacona
Donald L. Caskey
Francis L. McGeachy
Hilliard B. Holbrook II
Nevin L. Rockwell
George K. Derby
John E. Reeder
Angus Macaulay
Robert B. McCoy
David L. Jones, Jr.
Harold F. Sigmon
Clyde R. Welch
Rodney L. Stewart
Edward H. Wood
Carol W. Jones
Jay K. Davis
William J. McBurney
James A. Burnett
John R. Kemble
Searle F. Highleyman
John W. Ingram
Michael A. Patten
Oliver A. Reardon, Jr.
Donald E. Swank
Leland E. Bolt
Archibald S. Thompson
Robert A. Baldwin
Thomas E. Lukas
Miles R. Wilkerson
Paul A. Gallagher
Lawrence T. Cooper
Robert A. Wheeler
Edwin H. Vrieze III
Frederic C. Caswell, Jr.
James A. Bacon
Loren I. Moore
John D. Scull
Raymond A. Madden
Oliver J. Semmes III
Gordan Van Hook
William W. Parks
Peter S. Shearer
Harland J. Rue II
Frank A. Liberato
Robert L. Pfeiff
James G. Baker
David W. Weidenkopf
Thomas W. Watson
Freeman L. Lofton
Henry C. Whelchel, Jr.
William J. Thompson
Victor C. Wandres
George E. Yeager
Floyd Holloway, Jr.
Matthew J. Breen
Donald E. Jubb
John P. Cromwell, Jr.
Maxwell F. Leslie, Jr.
Earl L. Caldwell, Jr.
Joseph F. Friend

Lieutenant, Supply Corps

James S. Patterson
Gary C. Leighty
Kenneth E. Hill
Darrell S. Chapman
Gerald H. King
Richard N. Dreese
Frederick H. Keefer
Charles H. Samuelson
Emerson M. Harris
Thomas A. Boyce
Richard C. F. Kerwath
Walter H. French, Jr.

Lieutenant, Chaplain Corps

Walter "B" Clayton, Jr.
Joe A. Davis
Harry W. Holland, Jr.

Lieutenant, Civil Engineer Corps

Louis Huszar, Jr.

Lieutenant, Medical Service Corps

Newell H. Berry
Francis W. McIntosh
Philip R. Ragle
Edward D. Mateik
John T. Holcombe
Marvin J. Brown
Charles M. Hine
Betty D. Bair
Ezra F. Ferris
Billy M. Edwards
Paul J. Sherin
Hulot W. Haden
LaVern E. Nichols
William E. McConville
Lloyd A. Watts
Mason A. Nelson, Jr.
Daniel N. Williams
Rodger F. Schindele

Lieutenant, Nurse Corps

Celine A. Finn
Helen M Rigsby
Clara A. Garbutt
Mary L. Steele
Ruth G. Pampush
Elinor B. Sterling

The following-named officers of the Navy for permanent promotion to the grade indicated:

Lieutenant commander, line

Edwin M. Leidholdt
Charles W. Postlethwaite
Harold M. Yelton
Joseph W. Gray
Roy E. Clymer, Jr.
John F. Pierce
Charles H. McMakin, Jr.
Harold J. Shapard
Kenneth B. Brisco
Craig M. Coley
Claude E. Hale
Philip M. Dyer
George Hamilton

Lieutenant commander, Medical Corps

Frank "R" Preston

The following-named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps subject to qualification therefor as provided by law:

Michael de Harne Dwyre

The following-named officer for permanent appointment to the grade of first lieutenant in the Marine Corps pursuant to the provisions of title 10, United States Code, section 5788:

Richard M. Condrey

The following-named for temporary appointment to the grade of first lieutenant in the Marine Corps subject to qualification therefor as provided by law:

Richard C. Ossenfort

The following-named officers of the Navy for permanent promotion to the grade of chief warrant officer, W-2, subject to qualification therefor as provided by law:

Adams, George C.
Austin, Ellis E.
Carter, Charles S.
Glover, Fred B.
Guthrie, William C.
Moore, James A.
Riley, Joseph F.

The following-named officer of the Navy for permanent promotion to the grade of chief warrant officer, W-3, subject to qualification therefor as provided by law:

Shepherd, Aldon A.

The following-named officers of the Navy for permanent promotion to the grade of chief warrant officer, W-4, subject to qualification therefor as provided by law:

Andrews, David J.
Bernhardt, James L.
Bond, Robert E.
Branson, Franz W.
Bussey, Joseph O.
Crocker, Ralph J.
Dias, Paul E.
Dowler, Frank E.
Fariss, William A.
Fenn, Frank L., Jr.
Hudson, Edward S.
Huston, Maynard F.
Mandzak, Nicholas
Marsh, William O.
McCaskill, Jesse M.
Nalls, Nathan C., Jr.
Nelsen, Norman
Pravecek, Frederick
Ray, Ewart G., Jr.
Taylor, John W.

POSTMASTERS

ALABAMA

Edith E. Bowden, Honoraville, Ala., in place of A. R. Morgan, deceased.

ARIZONA

Ethel V. Rogers, McNeal, Ariz., in place of A. T. Murphy, retired.

ARKANSAS

Samuel J. McGraw, Austin, Ark., in place of M. B. Adams, retired.

Dan C. Griffin, Crawfordsville, Ark., in place of C. P. Harman, retired.

CALIFORNIA

Kerg B. Key, Alameda, Calif., in place of F. E. Samuel, retired.

William A. Thorne, Irvington, Calif., in place of H. J. Kohler, resigned.

Walter C. Whitman, Pittsburg, Calif., in place of H. A. McBride, retired.

Ulis C. Briggs, Ukiah, Calif., in place of J. W. Harding, resigned.

CONNECTICUT

Arthur R. Cleary, Bethel, Conn., in place of F. E. Goodsell, Sr., retired.

Leslie S. Mallinson, West Cornwall, Conn., in place of W. M. Hart, deceased.

GEORGIA

William Leroy Hogue, Carrollton, Ga., in place of O. L. Spence, retired.

Leo J. Russell, Rome, Ga., in place of W. E. Wimberly, retired.

IDAHO

Richard E. Payne, Elk River, Idaho, in place of C. M. Friend, retired.

Victor T. Uria, Homedale, Idaho, in place of I. M. Helton, retired.

ILLINOIS

John W. Dehmlow, Algonquin, Ill., in place of M. W. Struwing, removed.

Rex H. Carter, Berwyn, Ill., in place of J. J. A. Borkovec, retired.

William M. Toland, Browning, Ill., in place of M. E. Bader, resigned.

Lee H. Clark, Glenarm, Ill., in place of M. L. McCraner, retired.

Hester Lee Kaufman, Harristown, Ill., in place of C. C. Brown, resigned.

Robert Harvey McCaherty, Hillview, Ill., in place of P. A. Brickey, resigned.

Richard D. Michael, LeRoy, Ill., in place of W. J. Strange, retired.

Kathryn L. Wallrich, Mossville, Ill., in place of C. M. Long, retired.

Aileen Harriet Adams, Rapids City, Ill., in place of C. E. Hancock, retired.

James E. Hill, Streator, Ill., in place of C. E. Erler, deceased.

Leslie R. Stein, Trivoli, Ill., in place of O. L. Glasford, deceased.

INDIANA

Clara G. Langley, Stroh, Ind., in place of K. L. Kenyon, retired.

Verlo Christner, Topeka, Ind., in place of R. J. Clark, deceased.

Arno J. Kuhn, Waldron, Ind., in place of T. H. Cartmel, retired.

IOWA

George G. Hendricks, Fort Dodge, Iowa, in place of R. J. Gilday, retired.

KANSAS

Chloe E. Huffman, Englewood, Kans., in place of E. J. Lee, retired.

George Paul Gerardy, Hanover, Kans., in place of R. J. Munger, retired.

Jack D. Warnock, Stafford, Kans., in place of W. L. Kent, retired.

KENTUCKY

Minnie M. Staley, Lackey, Ky., in place of Mike Staley, retired.

LOUISIANA

Ivy M. Lytton, Gilliam, La., in place of S. H. Reid, resigned.

Billy R. Johnson, Harrisonburg, La., in place of J. L. Beasley, retired.

Roberta G. Landry, Mathews, La., in place of B. A. Gautreaux, retired.

Ora G. Thomas, Mooringsport, La., in place of A. H. Barre, retired.

William A. Bulcao, Slidell, La., in place of C. D. Block, resigned.

MAINE

Chandler Byrant Paine, Bar Harbor, Maine, in place of T. L. Roberts, deceased.

Raymond M. Flynn, Sanford, Maine, in place of F. C. Creteau, resigned.

Donald L. Lapointe, Van Buren, Maine, in place of L. N. Poirer, retired.

MASSACHUSETTS

Katherine C. Brown, Littleton Common, Mass., in place of R. C. West, retired.

James H. Bradley, Woburn, Mass., in place of J. H. Murphy, retired.

MICHIGAN

Budd A. Goodwin, Adrian, Mich., in place of P. F. Frownfelder, retired.

James Patejdl, Harbert, Mich., in place of O. W. Tornquist, retired.

MINNESOTA

Edward J. Shega, Babbitt, Minn., in place of R. J. Slade, resigned.

Arthur Peter Hein, Excelsior, Minn., in place of F. J. Mason, retired.

Orlin A. Ofstad, Orr, Minn., in place of A. M. Rude, retired.

Sylvester V. Zitzmann, Vesta, Minn., in place of T. C. Kline, deceased.

MISSISSIPPI

Maxie A. Grozinger, Crowder, Miss., in place of O. B. Jones, transferred.

Hobert Riley, Jr., Pattison, Miss., in place of J. D. Burch, transferred.

George W. Benson, Webb, Miss., in place of L. A. White, retired.

MISSOURI

Kenneth C. James, Gravois Mills, Mo., in place of M. L. McKinley, retired.

Wilhelmine E. Jacobi, Martinsburg, Mo., in place of F. J. Jacobi, Jr., deceased.

Willard H. Dowden, Pickering, Mo., in place of J. L. Bosch, deceased.

MONTANA

Virgil S. Davis, Anaconda, Mont., in place of F. J. J. Finnegan, removed.

NEBRASKA

James C. Dowding, Bellevue, Nebr., in place of J. H. Schaller, resigned.

Edward W. Divis, Brainard, Nebr., in place of Fred Hlavac, retired.

Malcolm E. Jensen, Emerson, Nebr., in place of R. L. McPherran, resigned.

Ruth E. Fouts, Maxwell, Nebr., in place of R. C. Dolan, retired.

NEW HAMPSHIRE

Clyde H. Seavey, Candia, N. H., in place of R. B. Dinsmore, retired.

NEW JERSEY

Ellen E. Benson, Lawnside, N. J., in place of Helen Davis, removed.

Lawrence H. Emmons, Sergeantsville, N. J., in place of L. J. Myers, deceased.

NEW YORK

Peter S. Tosi, Boiceville, N. Y., in place of M. D. Robeson, retired.

Grace E. Pfeiffer, Middle Island, N. Y., in place of E. H. Pfeiffer, deceased.

Minor J. Leonard, Odessa, N. Y., in place of H. H. Rundle, retired.

Alice B. Larsen, Peconic, N. Y., in place of W. E. Way, resigned.

Clarence B. Wilmot, Rushford, N. Y., in place of M. E. Austin, removed.

Berta R. Fellows, South Salem, N. Y., in place of J. R. Reilly, retired.

NORTH CAROLINA

Lexine G. McCarson, Balfour, N. C., in place of L. R. Geiger, retired.

James Howard Crowell, Concord, N. C., in place of B. E. Harris, resigned.

OHIO

Quindo A. Belloni, Brewster, Ohio, in place of Kathryn Schott, retired.

OKLAHOMA

Frank M. Hippard, Okeene, Okla., in place of A. M. Farhar, deceased.

Earl Dale Allee, Quapaw, Okla., in place of C. E. Douthat, retired.

OREGON

Allan T. Ettinger, Brookings, Oreg., in place of W. G. Thompson, resigned.

Wayne F. Ball, Huntington, Oreg., in place of B. K. Harvey, resigned.

PENNSYLVANIA

Charles A. Mensch, Bellefonte, Pa., in place of E. B. Bower, retired.

William R. Mundell, Birdsboro, Pa., in place of P. F. Petrillo, removed.

Richard L. Altemose, Brodheadsville, Pa., in place of M. L. Serfass, retired.

Emma Jane Kimmel, Dalmatia, Pa., in place of P. L. Tressler, retired.

Clifford C. Mills, Freeland, Pa., in place of Neale Boyle, retired.

Julia M. McCluskey, New Bedford, Pa., in place of N. R. Akens, deceased.

Charles S. Borem, Sewickley, Pa., in place of S. V. Webster, deceased.

Robert W. Kramer, Valencia, Pa., in place of T. M. Perry, retired.

PUERTO RICO

Angel Cesar Benitez Lopez, Aguas Buenas, P. R., in place of F. G. Gonzales, retired.

SOUTH CAROLINA

Urban G. Milhous, Jr., Denmark, S. C., in place of M. R. Mayfield, resigned.

Willie C. Maxwell, Inman, S. C., in place of J. G. Waters, retired.

SOUTH DAKOTA

Maynard G. Hatch, McLaughlin, S. Dak., in place of Freda Haberman, retired.

TENNESSEE

John L. Sanders, Somerville, Tenn., in place of W. A. Rhea, retired.

TEXAS

Vernon C. Johnson, Alvin, Tex., in place of B. A. Borskey, retired.

Ruby D. Cummings, Barstow, Tex., in place of A. J. Hayes, resigned.

Benedict M. Kocurek, Caldwell, Tex., in place of R. A. Bowers, transferred.

Grace M. Duncan, Crandall, Tex., in place of K. H. Jorns, resigned.

Homer R. Granberry, Douglassville, Tex., in place of E. E. McMillian, Jr., removed.

Leslie Fulenwider, Uvalde, Tex., in place of J. P. Molloy, deceased.

UTAH

Roger A. Clark, Emery, Utah, in place of J. R. Sorenson, deceased.

Daniel Clair Whitesides, Layton, Utah, in place of R. H. Barton, deceased.

VERMONT

Harold B. Wright, White River Junction, Vt., in place of C. A. O'Brien, retired.

VIRGINIA

Arthur P. McMullen, Hot Springs, Va., in place of F. L. Thompson, retired.

Elmer H. Kirby, Stanleytown, Va., in place of M. C. Stanley, resigned.

WEST VIRGINIA

Dempsey Dale Lilly, Coal City, W. Va., in place of L. L. Lilly, retired.

Franklin N. Phares, Valley Bend, W. Va., in place of A. K. Crawford, deceased.

WISCONSIN

Ruth M. Bergstrom, Comstock, Wis., in place of N. O. Peterson, deceased.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 8, 1958

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Job 5: 8: *Unto God would I commit my cause.*

Eternal God, who art the source of all our blessings, grant that daily we may commit ourselves and our way unto Thee.

Inspire us with a vivid sense of Thy presence and power as we face duties and responsibilities which are far beyond our own finite wisdom and strength.

We humbly confess that there are days when the ideals, which we cherish, seem so visionary and the outlook for a nobler civilization appears so gloomy.

May men and nations everywhere give their allegiance to the King of Kings, who rules not with the rod of iron but with the scepter of justice, righteousness, mercy, and love.

Hear us in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 7349. An act to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia;

H. R. 7452. An act to provide for the designation of holidays for the officers and employees of the government of the District of Columbia for pay and leave purposes, and for other purposes;

H. R. 9285. An act to amend the charter of St. Thomas' Literary Society;

H. R. 12643. An act to amend the act entitled "An act to consolidate the police court of the District of Columbia and the municipal court of the District of Columbia, to be known as "the municipal court for the District of Columbia,' to create 'the municipal court of appeals for the District of Columbia,' and for other purposes," approved April 1, 1942, as amended; and

H. J. Res. 479. Joint resolution to designate the 1st day of May of each year as Loyalty Day.

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. 7863. An act to amend the District of Columbia Alcoholic Beverage Control Act.

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

S. 3735. An act to amend the charter of the National Union Insurance Co. of Washington; and

S. 3817. An act to provide a program for the discovery of the mineral reserves of the United States, its Territories and possessions, by encouraging exploration for minerals, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6006) entitled "An act to amend certain provisions of the Antidumping Act, 1921, to provide for greater certainty, speed, and efficiency in the enforcement thereof, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. KERR, Mr. ANDERSON, Mr. MARTIN of Pennsylvania, and Mr. WILLIAMS to be conferees on the part of the Senate.

PROHIBIT TRADING IN ONION FUTURES

Mr. FORD. 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 Michigan?

There was no objection.

Mr. FORD. Mr. Speaker, I am seriously concerned with the delay in action by the other body on H. R. 376, the bill to amend the Commodity Exchange Act to prohibit trading in onion futures in commodity exchanges.

I introduced a similar bill, H. R. 1933, on January 5, 1957. The House Committee on Agriculture held extensive hearings on the problem in 1957 as it had done previously during the 84th Congress. With many others I testified in behalf of the legislation, pointing out that there is no law in effect today to control adequately the manipulation and wild fluctuation of onion futures.

The House Committee on Agriculture favorably reported the bill on August 8, 1957, and it passed the House on March 13, 1958.

The Senate Committee on Agriculture and Forestry held further hearings and favorably reported the bill on May 26. In its report, the committee stated that "it now appears that speculative activity in the futures markets causes such severe and unwarranted fluctuations in the price of cash onions as to require complete prohibition of onion futures trading in order to assure the orderly flow of onions in interstate commerce."

The onion growers throughout the country agree with this conclusion of the committee. These growers who are generally small farmers, dependent for a livelihood on a few acres of ground, are wondering how long they must wait for the Democratic leadership to bring this meritorious measure to the floor of the Senate. They realize that they have no other protection against those big operators who manipulate the market to benefit themselves only.

H. R. 376 has been on the Senate Calendar since May 26, a period of 6 weeks. What is the leadership waiting for? The onion producers want the bill. The Senate committee reports that it is a proper and necessary measure. The House has approved it. Why this long delay on the part of the Democratic leadership in bringing H. R. 376 to a vote in the Senate?

HE DIDN'T KNOW WHAT HARRIS MEANT

Mr. SCOTT of Pennsylvania. 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 Pennsylvania?

There was no objection.

Mr. SCOTT of Pennsylvania. Mr. Speaker, Baron Shacklette, like Dr. Schwartz before him, got his signals mixed: He thought it was the "Committee on Legislative Harassment." Now Baron has gone.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

OLIVE V. RABINIAUX

The Clerk called the bill (S. 2621) for the relief of Olive V. Rabiniaux.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EVA S. WINDER

The Clerk called the bill (S. 488) for the relief of Eva S. Winder.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

LAURANCE F. SAFFORD

The Clerk called the bill (S. 1524) for the relief of Laurance F. Safford.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Laurance F. Safford, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, in full satisfaction of all claims against the United States in connection with cryptographic systems and apparatus invented and developed by him while serving on active duty in the United States Navy which have been held in secrecy status by the United States Government: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CASEY JIMENEZ

The Clerk called the bill (S. 1879) for the relief of Casey Jimenez.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

WILLIAM F. PELTIER

The Clerk called the bill (S. 2146) for the relief of William F. Peltier.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

DONALD R. PENCE

The Clerk called the bill (H. R. 1565) for the relief of Donald R. Pence.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald R. Pence, Los Angeles, Calif., the sum of $332.53. The payment of such sum shall be in full settlement of all claims of the said Donald R. Pence against the United States for reimbursement to him of expenses incurred as a result of hospitalization and medical treatment which was denied him by the United States Veterans' Administration, and to which he was entitled as a veteran with service-connected disability: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 3, strike out "in excess of 10 percent thereof."

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.

JOHN F. SMITH

The Clerk called the bill (H. R. 2062) for the relief of John F. Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Chief Electrician John F. Smith, United States Navy, retired (serial number 377339), is relieved of liability to repay to the United States the sum of $23,317.40, which was erroneously paid to him as retired pay for the period beginning April 26, 1946, and ending June 30, 1954, both dates inclusive, in violation of section 212 of the act approved June 30, 1932 (5 U. S. C., sec. 59a). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for any amounts for which liability is relieved by this act.

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. AND MRS. CARMEN SCOPPETTUOLO

The Clerk called the bill (H. R. 4059) for the relief of Mr. and Mrs. Carmen Scoppettuolo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Carmen Scoppettuolo, of Belleville, N. J., the sum of $1,540. Payment of such sum shall be in full settlement of all claims of the said Mr. and Mrs. Carmen Scoppettuolo against the United States by reason of the expenses incurred by them in making a visit to the United States Military Cemetery St. Laurent (Normandy), France. The Department of the Army had erroneously informed them that their son, Pfc. James V. Scoppettuolo, was buried there: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 3, strike out "in excess of 10 percent thereof."

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.

HARLEE M. HANSLEY

The Clerk called the bill (H. R. 5351) for the relief of Harlee M. Hansley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Harlee M. Hansley (first lieutenant, United States Air Force, retired), Miami, Fla., is hereby relieved of all liability to refund to the United States the sum of $14,232.98. Such sum represents compensation received by the said Harlee M. Hansley as a retired commissioned officer of the United States Air Force during the period beginning November 2, 1947, and ending August 3, 1955, while he was also employed by the Civil Aeronautics Administration and was receiving dual compensation from the United States at a combined annual rate in excess of $3,000. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harlee M. Hansley, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the claim of the United States for such refund.

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.

CAPT. CARL F. DYKEMAN

The Clerk called the bill (H. R. 7293) for the relief of Capt. Carl F. Dykeman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Capt. Carl F. Dykeman, United States Army, Retired (Army serial No. O-372323), is hereby relieved of liability to repay to the United States all amounts paid to him in violation of section 212 of the act of June 30, 1932 (5 U. S. C. 59a), for the period beginning on February 20, 1950, and ending on August 3, 1955, both dates inclusive. In the audit and settlement of the accounts of any certifying or disbursing officer, full credit shall be given for all amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to the said Carl F. Dykeman an amount equal to all amounts paid by the said Carl F. Dykeman to the United States, or withheld from his retired pay, before the date of enactment of this act on account of the liability of which he is relieved by the first section of this act.

With the following committee amendment:

Page 1, lines 7 and 8, strike "February 20, 1950" and insert "April 2, 1953."

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.

JAMES L. McCABE

The Clerk called the bill (H. R. 8233) for the relief of James L. McCabe.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, James L. McCabe of Minneapolis, Minn., the sum of $1,197. Such sum represents the amount of settlement for which the said James L. McCabe was required to pay for the loss of money from registered mail. Said James L. McCabe, a letter carrier in the United States Post Office at Minneapolis, Minn., apparently lost the register or the register was stolen from him while making collection of mail on a scheduled collection tour. Such sum shall be paid only on condition that the said James L. McCabe shall receive this sum to pay such settlement in full: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, line 1, strike out "Such sum shall be paid only on condition that the said James L. McCabe shall receive this sum to pay such settlement in full."

Page 2, line 5, strike out "in excess of 10 percent thereof."

The committee amendments were 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.

WAYNE W. POWERS

The Clerk called the bill (H. R. 8313) for the relief of Wayne W. Powers, of Walla Walla, Wash.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wayne W. Powers, of Walla Walla, Wash., the sum of $2,203, in full settlement of all claims against the Government of the United States as reimbursement for personal property constructed by him on lot numbered I, Halibut Point, Sitka, Alaska, and confiscated by the Government of the United States in 1942: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out the figures and insert "$400."

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.

ELLA H. NATAFALUSY

The Clerk called the bill (H. R. 8732) for the relief of Ella H. Natafalusy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Uniformed Services Contingency Act of 1953, and chapter 73 of title 10 of the United States Code, the late Chief Warrant Officer Alex Natafalusy, United States Army, retired, shall be held and considered to have

personally signed, on January 2, 1954, the form indicating that he elected under the provisions of such act to receive reduced retired pay in order to provide an annuity for his widow of one-fourth of such reduced retired pay, which form was in fact executed by his daughter, La Nelle Natafalusy, on January 2, 1954, under authority of a power of attorney executed by the late Alex Natafalusy in favor of such daughter on December 31, 1953.

With the following committee amendments:

Page 2, line 2, strike the words "such daughter on December 31, 1953."

Page 2, line 3, insert following the word "of" the words "such daughter on December 31, 1953."

The committee amendments were 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.

W. G. HOLLOMON

The Clerk called the bill (H. R. 8759) for the relief of W. G. Hollomon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. G. Hollomon, the sum of $3,189.15. The payment of such sum shall be in full and complete settlement of all claims of the said W. G. Hollomon against the United States on account of all personal injuries, medical and hospital bills, and loss of all personal property, sustained by the said W. G. Hollomon, and caused by Pfc. Harley C. Kirchner, RA-17437146, and Sgt. Bobby R. Corbett, RA-24777079, both of whom were then and there attached to Company "A," Sixth Infantry Battalion, Third Infantry Division, Fort Benning, Ga., by the said Kirschner and Corbett shooting the said W. G. Hollomon three times with a pistol while they were engaged in the commission of the offense of robbery upon the person of the said W. G. Hollomon, on the 2d day of September 1956, said robbery being committed at the place of business of the said W. G. Hollomon at Brooklyn, Ga., at which said place of business the said W. G. Hollomon carried on a mercantile business and also a United States post office, of which he was the United States postmaster.

With the following committee amendments:

Page 1, line 5, after the name "Hollomon," insert "and Mrs. W. G. Hollomon."

Page 1, line 7, after the name "Hollomon" insert "and Mrs. W. G. Hollomon."

Page 1, line 9, strike out "and loss of all personal property."

Page 1, line 10, strike out "the said W. G. Hollomon", and insert "them."

Page 2, line 12, at the end of bill, insert: "The enactment of this act shall forever bar W. G. Hollomon from receiving any compensation from the Bureau of Employees' Compensation for injuries sustained as a result of this accident."

The committee amendments were agreed to.

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

The title was amended so as to read: "A bill for the relief of W. G. Hollomon and Mrs. W. G. Hollomon."

A motion to reconsider was laid on the table.

MRS. BETTY L. FONK

The Clerk called the bill (H. R. 8894) for the relief of Mrs. Betty L. Fonk.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Mrs. Betty L. Fonk, of Bloomington, Ind., in full settlement of all claims against the United States. Such sum represents compensation for personal injuries, and all expenses incident thereto sustained as the result of an accident involving a United States Army vehicle in Frankfurt-am-Main, Germany, on June 22, 1955: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out the figures and insert "$5,000."

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.

JOHN C. HOUGHTON, JR.

The Clerk called the bill (H. R. 9006) for the relief of John C. Houghton, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John C. Houghton, Jr., of Peoria, Ill., the sum of $293.25. Such sum represents reimbursement to said John C. Houghton, Jr., for paying out of his own funds a judgment against him in the courts of Illinois arising out of an accident occurring on April 8, 1957, when the said John C. Houghton, Jr., was operating a Government vehicle in the course of his duties as an employee of the Post Office Department: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

MRS. SUMPTER SMITH

The Clerk called the bill (H. R. 9197) for the relief of Mrs. Sumpter Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Sumpter Smith, Birmingham, Ala., the amount certified by the Secretary of Commerce under section 2. The payment of such sum shall be in full settlement of all claims of the said Mrs. Sumpter Smith against the United States for 60 days of accumulated and accrued annual leave of her husband as an employee of the United States, which was forfeited by him when he resigned from his permanent position with the Civil Aeronautics Authority to accept a temporary appointment on November 3, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. The Secretary of Commerce shall determine and certify to the Secretary of the Treasury the amount which would have been paid to the husband of the said Mrs. Sumpter Smith under the act of April 7, 1942 (56 Stat. 200) pursuant to his application therefor on January 31, 1942, if the accumulated and accrued annual leave which he forfeited upon his resignation on November 30, 1939, from his permanent position with the Civil Aeronautics Authority had been validly transferred to his temporary appointment and reappointment as Special Airport Adviser to the Administrator, Civil Aeronautics Authority, Department of Commerce.

With the following committee amendment:

Page 1, line 9, strike out "sixty days" and and insert "68 days and 30 minutes."

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.

WILLIAM C. HUTTO

The Clerk called the bill (H. R. 9772) for the relief of William C. Hutto.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs is authorized and directed to pay to William C. Hutto, Atlanta, Ga., (Veterans' Administration claim No. C-19062031), out of current appropriations for the payment of compensation, an amount equal to the amount of disability compensation which would have been paid to him on account of the loss of his right ring finger, if he had filed application for such compensation with the Veterans' Administration on February 11, 1933 for the period beginning on February 11, 1933, and ending on the effective date of the award of disability compensation made to him on account of such disability: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 11, strike out "February 11, 1933", and insert "April 1, 1946" and also in line 11, strike out "February 11, 1933, and

ending on", and insert "April 1, 1946 through August 3, 1955."

Page 2, line 3, strike out "in excess of 10 percent thereof."

The committee amendments were 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.

AETNA CASUALTY & SURETY CO., NEW YORK, N. Y.

The Clerk called the bill (H. R. 9884) for the relief of the Aetna Casualty & Surety Co., New York, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Aetna Casualty & Surety Co. the sum of $2,000 in full settlement of its claim against the United States for reimbursement for the amounts of departure bonds posted in behalf of Laszlo Akos, Tomas Akos, Lilla Akos, and Robert Akos; each of whose status was subsequently adjusted under section 4 of the Displaced Persons Act so as to create a record of their lawful admission as of the date of their original arrival in the United States: *Provided*, That no part of the amount appropriated by this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "the Aetna Casualty & Surety Co." and insert in lieu thereof "Tamas Akos and Lilla Akos."

Page 1, line 6, strike out "its claim" and insert "all claims."

The committee amendments were agreed to.

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

The title was amended so as to read: "A bill for the relief of Tamas Akos and Lilla Akos."

A motion to reconsider was laid on the table.

1ST LT. LUTHER A. STAMM

The Clerk called the bill (H. R. 9986) for the relief of 1st Lt. Luther A. Stamm.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That 1st Lt. Luther A. Stamm, United States Army, retired, serial number O–1995032, is hereby relieved of all liability to pay to the United States the sum of $2,639.65. Such sum represents certain amounts erroneously paid to the said Luther A. Stamm during the period between August 1, 1953, and April 30, 1957, inclusive, as a result of errors made in the computation of his retired pay.

The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriate, to the said Luther A. Stamm an amount equal to the aggregate of amounts paid by him, or which have been withheld from sums otherwise due him, in complete or partial satisfaction of such claim of the United States.

With the following committee amendment:

Page 1, line 10, after the word "pay.", insert: "In the audit and settlement of the accounts of any certifying of disbursing officers, full credit shall be given for all amounts for which liability is relieved by this act."

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.

OLIN FRED RUNDLETT

The Clerk called the bill (H. R. 10096) for the relief of Olin Fred Rundlett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 15 to 20 of the Federal Employees' Compensation Act are hereby waived in favor of Olin Fred Rundlett, 1725 Mercer Avenue, NW., Roanoke, Va.; and his claim for compensation for the loss of sight of both of his eyes alleged to have begun while he was working as a draftsman at Frankford Arsenal, Philadelphia, Pa., in 1918, shall be acted upon under the remaining provisions of such act in the same manner as if such claim had been timely filed, if such claim is filed within 60 days after the date of the enactment of this act: *Provided*, That no benefits shall accrue by reason of the enactment of this act for any period prior to its enactment, except in the case of such medical or hospitalization expenditures which may be deemed reimbursable.

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.

WALLACE Y. DANIELS

The Clerk called the bill (H. R. 10139) for the relief of Wallace Y. Daniels.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $375 to Wallace Y. Daniels, of Chelsea, Mass., in full settlement of all claims against the United States. Such sum represents the cost of an artificial limb which was damaged on June 28, 1957, as the result of an accident while on duty at the Back Bay Post Office, Boston, Mass., payment of which could not be paid by the Bureau of Compensation, Department of Labor: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

HIPOLITO C. DEBACA

The Clerk called the bill (H. R. 10473) for the relief of Hipolito C. DeBaca.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 15 to 20, inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (5 U. S. C. 765–769), are hereby waived in favor of Hipolito C. DeBaca, of Las Vegas, N. Mex., for compensation for disability alleged to have been sustained while employed by the Rehabilitation Agency (United States) in Las Vegas, N. Mex., during the year 1931. Claim for compensation under this act may be filed any time within 1 year after the date of enactment of this act.

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.

A1C. DELBERT LANHAM

The Clerk called the bill (H. R. 10520) for the relief of A1c. Delbert Lanham.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in determining the eligibility of A1c. Delbert Lanham (Air Force serial No. AF 6270556) for retired pay from the Department of the Air Force, the provisions of the act of September 1, 1954 (68 Stat. 1142) are waived insofar as such provisions prohibit the payment of retired pay to him because of his conviction by a court-martial on November 3, 1953. The said A1c. Delbert Lanham, subsequent to such conviction, has reenlisted and served honorably in the United States Air Force.

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.

TIBOR WOLLNER

The Clerk called the bill (H. R. 10885) for the relief of Tibor Wollner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Tibor Wollner, New York, N. Y., the sum of $500. The payment of such sum shall be in full settlement of all claims of Tibor Wollner against the United States for reimbursement of the amount of a departure bond posted on June 16, 1948, on behalf of said Tibor Wollner, and which was declared breached on February 8, 1952: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

EBER BROTHERS WINE & LIQUOR CORP.

The Clerk called the bill (H. R. 11975) for the relief of Eber Brothers Wine & Liquor Corp.

There being no objection, the Clerk read the bill, as follows:

Be it enacted etc., That notwithstanding the lapse of time, and notwithstanding any statute of limitations including the limitations of section 322 (b) of the Internal Revenue Code of 1939, the Eber Brothers Wine & Liquor Corp., of Rochester, N. Y., shall be permitted to file its claims under section 322 of the Internal Revenue Code of 1939 for the refund of overpayments of income taxes for fiscal years 1947 and 1948 which resulted from the fact that profit from the sale of certain warehouse receipts was treated as ordinary income when, subsequently, it was established that such income should have been accorded capital gains treatment under the law; and if those claims are found to be meritorious, authority is hereby provided for the payment of such refunds.

SEC. 2. The United States shall not be liable for any interest on any portion of any such claim for any period prior to the date on which such claim is filed with the Secretary of the Treasury or his delegate pursuant to this act.

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.

GIUSEPPE STEFANO

The Clerk called the bill (H. R. 1293) for the relief of Giuseppe Stefano.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Giuseppe Stefano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

With the following committee amendment:

Page 1, line 7, after the word "fee" insert ": *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act."

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.

MRS. MARGARETE BRIEST, NEE EGGERS

The Clerk called the bill (H. R. 6353) for the relief of Mrs. Margarete Briest, nee Eggers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (3) of the Immigration and Nationality Act, Mrs. Margarete Briest (nee Eggers) may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

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.

MARIA FIERRO CALOGERO

The Clerk called the bill (H. R. 6667) for the relief of Maria Fierro Calogero.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Maria Fierro Calogero, who lost United States citizenship under the provisions of section 404 (b) of the Nationality Act of 1940, may be naturalized by taking prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said act. From and after naturalization under this act, the said Maria Fierro Calogero shall have the same citizenship status as that which existed immediately prior to its loss.

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.

IWAN OKOPNY

The Clerk called the bill (H. R. 7282) for the relief of Iwan Okopny.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Iwan Okopny may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose: *Provided*, That, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of said act.

With the following committee amendment:

Page 1, line 11, after the word "That," insert "unless the beneficiary is entitled to care under the Dependents' Medical Care Act (70 Stat. 250)."

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.

RELIEF OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 627) for the relief of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

Resolved, etc., That, for the purposes of the Immigration and Nationality Act, Anthony J. Chaia, Joseph Tawil, Chryssoula Fotinatos (Stevens), Ezra Gindi, Sun Hsi Zen Yung (also known as Yung Sun Hsi Zen), Dusan Lezaja, Amor A. Paraso, and Florentine Laurente shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence of each alien as provided for in this section of this act, if such alien was classifiable as a quota immigrant at the time of the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

SEC. 2. For the purposes of the Immigration and Nationality Act, Sarina Goldman Tawil shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided*, That the natural father of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SEC. 3. For the purposes of the Immigration and Nationality Act, Lelas Constantinos Tsamopoulos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

SEC. 4. For the purposes of the Immigration and Nationality Act, Rabbi Haim Zeliek Kemmelman, and John Favia (also known as John J. Curry), shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees.

SEC. 5. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Paul F. V. Trojel, Gertrudis De Peralta Nartatez, and Nora Lyons. From and after the date of the enactment of this act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

SEC. 6. For the purposes of the Immigration and Nationality Act, John J. Flynn shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 5, 1934, upon payment of the required visa fee.

With the following committee amendment:

On page 2, at the end of line 7, add the following: "Upon the granting of permanent residence to such alien as provided for in this section of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available."

The committee amendment was agreed to.

The resolution 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.

FACILITATING THE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 628) to facilitate the admission into the United States of certain aliens.

There being no objection the Clerk read the resolution, as follows:

Resolved, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the

Immigration and Nationality Act, the minor child, Alexandra Lazarides, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Nick Lazarides, citizens of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Ornella Buratto, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Louis Pilotto, citizens of the United States.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Grigorios (Papanikolaou) Pappanicoulos and Stavroula (Papanikolaou) Pappanicoulos, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Constantinos Pappanicoulos, citizens of the United States.

SEC. 4. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Francesco Villanti Seneca, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Felice Seneca, lawfully resident aliens of the United States.

SEC. 5. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Harry (Zwi) Goldenberg (Sponder), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Herbert Sponder, lawfully resident aliens of the United States.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Sheila Anita Daniel (Weekes), shall be held and considered to be the natural-born alien child of Rufus Daniel, a citizen of the United States.

SEC. 7. The natural parents of the beneficiaries of sections 3, 4, and 5 of this act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SEC. 8. In the administration of the Immigration and Nationality Act, Masako Onta, the fiance of Dean Potter, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Masako Onta is coming to the United States with a bona fide intention of being married to the said Dean Potter and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Masako Onta, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Masako Onta, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Masako Onta as of the date of the payment by her of the required visa fee.

SEC. 9. In the administration of the Immigration and Nationality Act, Tokiko Takahashi, the fiance of Larry R. Norstrom, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Tokiko Takahashi is coming to the United States with a bona fide intention of being married to the said Larry R. Nordstrom and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Tokiko Takahashi, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Tokiko Takahashi, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Tokiko Takahashi as of the date of the payment by her of the required visa fee.

With the following committee amendment:

On page 2, line 21, after the names "Sheila Anita" strike out the names "Daniel (Weekes)" and substitute "(Daniel) Weekes."

The committee amendment was agreed to.

The resolution 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.

QUIETING TITLE TO CERTAIN REAL PROPERTY IN CALIFORNIA

The Clerk called the bill (H. R. 8859) to quiet title and possession with respect to certain real property in the county of Humboldt, State of California.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the United States hereby releases, remises, and quitclaims all right, title, and interest of the United States in and to the following described real property situated in the county of Humboldt, State of California, to the person or persons who would, except for any claim of right, title, and interest in and to such real property on the part of the United States by reason of deed recorded in the office of the county recorder of Humboldt County, State of California, on May 15, 1943, in volume 259 of deeds at page 290, Humboldt County Records, be entitled thereto under the laws of the State of California:

The east half of southwest quarter and the west half of southeast quarter of section 9 in township 10 north, range 2 east, Humboldt meridian.

Containing 160 acres, more or less.

Also beginning on the subdivision line at a point which is distant thereon 165 feet west from the northeast corner of the southwest quarter of southwest quarter of section 22 in township 10 north, range 2, east, Humboldt meridian; and running thence west along the subdivision line 1,155 feet to the section line; thence south on same 1,320 feet to the southwest corner of said section; thence east on the south line of said section 1,155 feet; and thence north 1,320 feet to the point of beginning.

Containing 35 acres, more or less.

Also the west 25 acres of the northwest quarter of northwest quarter of section 27 in said township and range, measured in a like manner as the description of land in section 22, above, and being the same as conveyed by Cornelius Thompson and wife to James B. Watkins, by deed dated January 6, 1905, and recorded January 7, 1905, in book 88 of deeds, page 614.

The east half of northeast quarter of section 34 and the south half of northwest quarter of section 35, in township 10 north, range 2 east, Humboldt meridian.

Containing 160 acres more or less.

With the following committee amendment:

Page 1, line 10, strike "May" and insert in lieu thereof "March."

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.

ELISABETH LESCH ET AL.

The Clerk called the bill (S. 1593) for relief of Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Elisabeth Lesch, the financée of Sfc. William R. Hopper, a citizen of the United States, and her minor children, Gonda, Norbert, and Bobby, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided*, That the administrative authorities find that the said Elisabeth Lesch is coming to the United States with a bona fide intention of being married to the said Sfc. William R. Hopper and that they are found otherwise admissible under the immigration laws, except that section 212 (a) (9) of the said act shall be inapplicable in the case of Elisabeth Lesch: *Provided further*, That the exemption provided herein in the case of the said Elisabeth Lesch shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Elisabeth Lesch and her mind children, Gonda, Norbert, and Bobby, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby, as of the date of the payment by them of the required visa fees.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF PEDER STRAND

The Clerk called the bill (S. 1975) for the relief of Peder Strand.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Peder Strand shall be held to meet the requirements for physical presence set forth in section 316 (a) (1) of that act and may be permitted to file his petition for naturalization in accordance with the requirements of section 334 of that act: *Provided*, That such petition is filed not later than 1 year following the date of the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF NICHOLAS CHRISTOS SOULIS

The Clerk called the bill (S. 2638) for the relief of Nicholas Christos Soulis.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Nicholas Christos Soulis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF JEAN KOUYOUMDJIAN

The Clerk called the bill (S. 2665) for the relief of Jean Kouyoumdjian.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of paragraph (19) of section 212 of the Immigration and Nationality Act, Jean Kouyoumdjian may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act. This act shall apply only to grounds for exclusion under such paragraphs known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF YOSHIKO MATSUHARA AND HER MINOR CHILD

The Clerk called the bill (S. 2944) for the relief of Yoshiko Matsuhara and her minor child, Kerry.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Yoshiko Matsuhara, the fiancée of Sgt. Lawrence W. Alexander, a citizen of the United States, and her minor child, Kerry, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided*, That the administrative authorities find that the said Yoshiko Matsuhara is coming to the United States with a bona fide intention of being married to the said Sgt. Lawrence W. Alexander and that they are found to be otherwise admissible under the provisions of that act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Yoshiko Matsuhara and her minor Child, Kerry, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Yoshiko Matsuhara and her minor child, Kerry, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Yoshiko Matsuhara and her minor child, Kerry, as of the date of the payment by them of the required visa fees.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF PETER LISZCZYNSKI

The Clerk called the bill (S. 2950) for the relief of Peter Liszczynski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of sections 212 (a) (1) and 212 (a) (7) of the Immigration and Nationality Act, Peter Liszczynski may be issued a visa and admitted to the United States if he is found to be otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of said act: *Provided further*, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF TAEKO TAKAMURA ELLIOTT

The Clerk called the bill (S. 2965) for the relief of Taeko Takamura Elliott.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Taeko Takamura Elliott shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAKA MOTOKI

The Clerk called the bill (S. 2984) for the relief of Taka Motoki.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Taka Motoki, the fiancée of Clyde K. Crisler, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Taka Motoki is coming to the United States with a bona fide intention of being married to the said Clyde K. Crisler and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Taka Motoki, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Taka Motoki, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Taka Motoki as of the date of the payment by her of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEOBARDO CASTANEDA VARGAS

The Clerk called the bill (S. 2997) for the relief of Leobardo Castaneda Vargas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Leobardo Castaneda Vargas. From and after the date of enactment of this act, the said Leobardo Castaneda Vargas shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HERTA WILMERSDOERFER

The Clerk called the bill (S. 3019) for the relief of Herta Wilmersdoerfer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of paragraphs (1) and (4) of section 212 (a) of the Immigration and Nationality Act, Herta Wilmersdoerfer may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act: *Provided further*, That this act shall apply only to grounds for exclusion under such paragraphs known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KIMIKO ARAKI

The Clerk called the bill (S. 3080), for the relief of Kimiko Araki.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Kimiko Araki, the fiancée of Ronald Frederick Astalos, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Kimiko Araki is coming to the United States with a bona fide intention of being married to the said Ronald Frederick Astalos and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Kimiko Araki, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Kimiko Araki, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Kimiko Araki as of the date of the payment by her of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CRESENCIO URGANO GUERRERO

The Clerk called the bill (S. 3159) for the relief of Cresencio Urgano Guerrero.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Cresencio Urgano Guerrero shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RYFKA BERGMANN

The Clerk called the bill (S. 3172) for the relief of Ryfka Bergmann.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Ryfka Bergmann shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRISCO DI FLUMERI

The Clerk called the bill (S. 3173) for the relief of Prisco Di Flumeri.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (9) of section 212 (a) of the Immigration and Nationality Act, Prisco Di Flumeri may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act. This act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIUSEPPINA FAZIO

The Clerk called the bill (S. 3175) for the relief of Giuseppina Fazio.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Giuseppina Fazio shall be held and considered to be the minor child of Mr. and Mrs. Antonio Fazio, lawful resident aliens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEOFILO M. PALAGANAS

The Clerk called the bill (S. 3176) for the relief of Teofilo M. Palaganas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Teofilo M. Palaganas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MILDRED (MILKA KRIVEC) CHESTER

The Clerk called the bill (S. 3269) for the relief of Mildred (Milka Krivec) Chester.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Mildred (Milka Krivec) Chester, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Harry J. Chester, citizens of the United States: *Provided*, That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOUHAIL WADI MASSAD

The Clerk called the bill (S. 3271) for the relief of Souhail Wadi Massad.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Souhail Wadi Massad shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JANEZ (GARANTINI) BRADEK AND FRANCISKA (GARANTINI) BRADEK

The Clerk called the bill (S. 3272) for the relief of Janez (Garantini) Bradek and Franciska (Garantini) Bradek.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Janez (Garantini) Bradek and Franciska (Garantini) Bradek, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Joseph Peter Bradek, citizens of the United States: *Provided*, That no natural parent of the beneficiaries, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN DEMETRIOU ASTERON

The Clerk called the bill (S. 3358) for the relief of John Demetriou Asteron.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, John Demetriou Asteron, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Arthur Asters, citizens of the United States: *Provided*, That no natural parent, by virtue of such parentage, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANTONIOS THOMAS

The Clerk called the bill (S. 3364) for the relief of Antonios Thomas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of section 101 (a) (27) (A) and section 205 of the Immigration and Nationality Act, the minor child, Antonios Thomas, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Mitchel Thomas, citizens of the United States: *Provided*, That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigation and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MATILDA STRAH

The Clerk called the bill (S. 832) for the relief of Matilda Strah.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Matilda Strah shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. HILDEGARD PORKERT

The Clerk called the bill (S. 2497) for the relief of Mrs. Hildegard Porkert.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that this bill be rereferred to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MARIA GARCIA ALIAGA

The Clerk called the bill (S. 2511) for the relief of Maria Garcia Aliaga.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Maria Garcia Aliaga shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary if State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert "That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Maria Garcia Aliaga. From and after the date of the enactment of this act, the said Maria Garcia Aliaga shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KATINA LECKAS AND ARGERY LECKAS

The Clerk called the bill (S. 3007) for the relief of Katina Leckas and Argery Leckas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Katina Leckas shall be held and considered to be the natural-born minor alien child of John Leckas, a citizen of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Argery Leckas, shall be held and considered to be the natural-born alien child of John Leckas, a citizen of the United States: *Provided*, That no natural parent, by virtue of such parentage, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, line 11, after the words "United States," change the colon to a period, strike out the remainder of the bill, and substitute a new section 3 to read as follows:

"SEC. 3. The natural parent of the beneficiaries of this act shall not, by virtue of such parentage, be accorded any right, status, or privilege under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROMULO A. MANRIQUEZ

The Clerk called the bill (S. 3060) for the relief of Romulo A. Manriquez.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Romulo A. Manriquez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 29, 1954, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Page 1, line 6, strike out "August 29, 1954" and insert "the date of the enactment of this act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIVIDADE AGRELA DOS SANTOS

The Clerk called the bill (S. 3129) for the relief of Natividade Agrela Dos Santos.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Natividade Agrela Dos Santos, shall be held and considered to be the natural-born alien child of Rose C. Agrella and Frank Agrella, citizens of the United States: *Provided*, That no natural parent, by virtue of such parentage, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, line 8, after the words *"Provided*, That", strike out the remainder of the bill and substitute in lieu thereof the following: "the natural parent of the beneficiary shall not, by virtue of such parentage, be accorded any right, status, or privilege under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAUL S. WATANABE

The Clerk called the bill (S. 3205) for the relief of Paul S. Watanabe.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Paul S. Watanabe, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940 may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such act. From and after naturalization under this act, the said Paul S. Watanabe shall have the same citizenship status as that which existed immediately prior to its loss.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following "That, for the purposes of the Immigration and Nationality Act, Paul S. Watanabe shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KALKASKA AIR BASE COMMITTEE, INC.

The Clerk called the bill (H. R. 9003) for the relief of the Kalkaska Air Base Committee, Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be and is hereby authorized and directed to pay, out of any money not otherwise appropriated, the sum of $6,861.29 to the Kalkaska Air Base Committee, Inc., 129 East Front Street, Traverse City, Mich., in full settlement of all claims against the United States. Such sum represents expenditures made in connection with preparation for the installation of an Air Force Jet Base at Kalkaska, Mich., during the years 1955 and 1956.

With the following committee amendment:

Page 1, line 11, strike the period and insert ": *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

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.

MRS. LOUISE NANTON

The Clerk called the bill (H. R. 2319) for the relief of Mrs. Louise Nanton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purpose of paragraph (2) of subsection (a) of section 352 of the Immigration and Nationality

Act, the time (whether before or after the enactment of this act) during which Mrs. Louise Nanton has resided abroad with her daughter, Evelyn Nanton, while her daughter was an employee of the Government, shall not be counted in computing quantum of residence.

With the following committee amendments:

On page 1, line 7, after the word "while" strike out the word "here" and substitute the word "her."

On page 1, line 8, after the words "employee of the" insert the words "United States."

The committee amendments were 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.

RELIEF OF CERTAIN ALIENS

The Clerk called the joint resolution (H. J. Res. 635) for the relief of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That, for the purposes of the Immigration and Nationality Act, Desmond Bryan Boylan, Franz Oberschall, and Antonio Tovers Ramos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act in the case of Desmond Bryan Boylan. Upon the granting of permanent residence to each alien as provided for in this section of this act, if such alien was classifiable as a quota immigrant at the time of the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

SEC. 2. For the purposes of the Immigration and Nationality Act, Erminia Pisotti and Maria Eustolia Cantu Holguin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees: *Provided,* That, unless the beneficiaries are entitled to care under the Dependents' Medical Care Act (70 Stat. 250), suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

SEC. 3. For the purposes of the Immigration and Nationality Act, Ramon Rodriguez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

SEC. 4. The Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Pedro Flores-Carrillo. From and after the date of the enactment of this act, the said Pedro Flores-Carrillo shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

SEC. 5. (a) Upon the expiration of 2 years immediately following their coming to the United States pursuant to section 212 (d) (5) of the Immigration and Nationality Act, Bogdan Biskupski, Eugeniusz Debski, Karol Kruk, and Leszek Szachogluchowicz shall be inspected and examined for admission into the United States in accordance with the provisions of sections 235, 236, and 237 of that act.

(b) Any alien who, pursuant to subsection (a) of this section, is found, upon inspection by an immigration officer or after hearing before a special inquiry officer, to have been and to be admissible as an immigrant at the time of his arrival in the United States and at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212 (a) (20) of the Immigration and Nationality Act, shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

(c) Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

SEC. 6. For the purposes of the Immigration and Nationality Act, Chee Loy, Ku-Yung Pao, Lillian Tsai Pao, Joan Pao, Minn Pao, and Kwie Ding Wang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act. The number of refugees to whom permanent residence in the United States may be granted under the provisions of section 6 of the Refugee Relief Act of 1953, as amended, is hereby reduced by 6.

With the following committee amendments:

On page 1, line 4, after the word "act", strike out the name "Desmond Bryan Boylan,."

On page 1, line 8, after the words "visa fees", change the colon to a period and strike out the remainder of line 8, and all of lines 9, 10, and 11.

On page 2, line 1, strike out the name "Desmond Bryan Boylan."

On page 2, line 9, after the word "act", insert the name "Desmond Bryan Boylan."

The committee amendments were agreed to.

The joint resolution 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.

WAIVING PROVISIONS OF IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAN ALIENS

The Clerk called the joint resolution (H. J. Res. 636) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That, notwithstanding the provision of section 212 (a) (31) of the Immigration and Nationality Act, Salvador Madrigal-Salcedo may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act.

SEC. 2. Notwithstanding the provisions of section 212 (a) (9), (17), and (19) of the Immigration and Nationality Act, Joaquin Sergio Revuelta-Sahagunmay be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act.

SEC. 3. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Allan Levy and Vincenza Eletto may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act: *Provided,* That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of said act.

SEC. 4. The exemptions provided for in this act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

The joint resolution 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.

FACILITATING THE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

The Clerk called the joint resolution (H. J. Res. 634) to facilitate the admission into the United States of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Garifalia Kilerzes, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Peter Coster, citizens of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Fitzgerald Browne, shall be held and considered to be the natural-born alien child of McDonald Fitzgerald Browne, a citizen of the United States.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Katija Bozanja, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Tony Kurtela, citizens of the United States.

SEC. 4. In the administration of the Immigration and Nationality Act, Norma Conchita Magrecia Valmores shall be held to be classifiable as a returning resident alien under the provisions of section 101 (a) (27) (B) of that act.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Alberto Salariosa Caramanzana, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Adolfo Caramanzana, citizens of the United States.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Lee MacDonald, shall be held and considered to be the natural-born alien child of Lt. Angus MacDonald, a citizen of the United States.

SEC. 7. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Lucia Trombetta, shall be held and considered to be the natural-born minor alien child of Mr. and Mrs. Antonio Trombetta, lawful residents of the United States.

SEC. 8. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Assunta Ristagno, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Carl Ristagno, citizens of the United States.

SEC. 9. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Eleni Hangemanole, shall be held and considered to be the natural-born alien child of Mr. and

Mrs. Emanuel Vaseleou Hangemanole, citizens of the United States.

SEC. 10. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Janusz Kurylko, shall be held and considered to be the natural-born alien child of Anna Kurylko, a citizen of the United States.

SEC. 11. The natural parents of the beneficiaries of sections 1, 3, 5, 8, and 9 of this act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendments:

1. On page 2, after line 14, insert a new section 6 to read as follows:

"SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Walid Tawfiq Nassar, shall be held and considered to be the natural-born alien child of Mr. and Mrs. M. F. Courie, citizens of the United States."

2. On page 2, line 15 strike out "SEC. 6." and substitute "SEC. 7."

3. On page 2, line 20, strike out "SEC. 7." and substitute "SEC. 8."

4. On page 2, line 25, strike out "SEC. 8." and substitute "SEC. 9."

5. On page 3, line 5, strike out "SEC. 9." and substitute "SEC. 10."

6. On page 3, line 10, strike out "SEC. 10." and substitute "SEC. 11."

7. On page 3, line 15, strike out "SEC. 11." and substitute "SEC. 12."

8. On page 3, line 16, strike out "8, and 9" and substitute in lieu thereof the following: "6, 9, and 10."

The committee amendments were agreed to.

The joint resolution 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. ROBERTS. Mr. Speaker, I ask unanimous consent to dispense with the further call of the Private Calendar.

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

There was no objection.

ADDITIONAL ASSISTANT SECRETARY OF STATE

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, and in behalf of the gentleman from Massachusetts [Mr. O'NEILL], I call up House Resolution 614 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1832) to authorize the appointment of one additional Assistant Secretary of State, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT], and yield myself such time as I may consume.

Mr. Speaker, House Resolution 614 makes in order the consideration of S. 1832, a bill authorizing the appointment of 1 additional Assistant Secretary of State. The resolution provides for an open rule, 1 hour of general debate and waives points of order against the bill.

The bill will increase the number of Assistant Secretaries of State from 10 to 11, and also amends the Federal Executive Pay Act of 1956 to provide for this increase.

The new Assistant Secretary of State would be in charge of African affairs. In view of the growing economic and political importance of Africa to the United States and the political, economic and social developments in Africa it is felt by the advocates of the bill that the new Assistant Secretary of State to head the Bureau of African Affairs will enable the Department of State to give the proper attention to the problems of Africa.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I join in the statement made by the gentleman from Mississippi in support of the rule.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on this matter be postponed until Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma

There was no objection.

Mr. GROSS. Mr. Speaker, I withdraw my point of order.

PRESIDENT EISENHOWER'S TRIP TO CANADA UNDERSCORES THE NEED TO AMEND PUBLIC LAW 480 SO AS TO PREVENT HARM TO FRIENDLY COUNTRIES

Mr. REUSS. 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 Wisconsin?

There was no objection.

Mr. REUSS. Mr. Speaker, President Eisenhower, accompanied by Secretary of State Dulles, left this morning for a 3-day trip to Canada to confer with Prime Minister Diefenbaker. Their subject will be ways of improving Canadian-American relations, which have been allowed to run down hill. According to President Eisenhower at his press conference last week, Canada's wheat exports and the impact on them of disposals of surplus American wheat under Public Law 480, is high on the list of subjects for discussion.

The Canadians feel deeply aggrieved by what has happened to their exports of wheat since the adoption of Public Law 480. In his budget message to the Canadian House of Commons on June 17, 1958, Canadian Minister of Finance Donald M. Fleming said:

United States agricultural policies continue to be severely damaging to Canadian interests. Apart from direct restrictions imposed on Canadian agricultural products, we suffer severe harm from United States surplus disposal activities. Massive United States disposal of wheat and other grains on giveaway or subsidized terms have done serious damage to Canadian exports in some of our best commercial markets. Despite frequent and energetic Canadian complaints, these harmful practices have continued. We find it difficult to understand why the United States should treat its best customer and friendly neighbor in this way. We have made it clear to the United States authorities that measures which add to our difficulties in selling in the United States market or in third countries cannot but impair our ability and willingness to import from them.

To the same effect, Canadian Minister of Trade and Commerce Gordon Churchill said on May 22, 1958:

Canadians have taken strong objection to the policies adopted by the United States in disposing of surplus farm products. This program has resulted in a direct loss of part of Canada's world market for wheat. The main criticism of this program has been the extent to which the disposal of wheat on concessional terms has disrupted or destroyed normal commercial markets for wheat. Canada feels that this type of action which partly alienates markets for years to come is not conducive to sound world trading relations in general. There has been some improvement in this regard in recent months, but Canada simply cannot compete for world agricultural markets against the United States disposal program, backed as it is by the wealth of the United States.

Canada is merely one of many friendly countries which have complained that our surplus disposal program has displaced them from their normal world markets, with great damage to their economies. Other countries complaining of damage have included Australia, Argentina, New Zealand, Denmark, Mexico, Uruguay, Peru, Burma, and Italy. According to Assistant Secretary of State for Economic Affairs Thomas C. Mann, the list of countries complaining of being adversely affected by the operation of Public Law 480 would include a great majority of the nations of the Free World.

Public Law 480 expired on June 30, 1958, and it will shortly come before the House for an extension. In order to mitigate the injury to friendly countries, I have proposed an amendment to Public Law 480, which would add to the present policy declaration of section 2 of the act the following:

It is further the policy of Congress to take reasonable precautions to avoid displacing usual marketings of friendly countries.

Twice, recently, I have called to the attention of Members the need for such an amendment. See CONGRESSIONAL RECORD, June 24, 1958, pages 12111–12113; July 1, 1958, pages 12868–12869. Last Thursday, July 3, I was given the opportunity to testify in behalf of my amendment before the House Committee on Agriculture. From statements made by members of the committee, I gathered that it was news to them that so many friendly countries felt themselves aggrieved by the lack of a provision in Public Law 480 protecting the usual marketings of friendly countries. Specifically, it seemed to be the impression of the committee members that the State Department was unaware of the harm done friendly countries. Immediately after the July 3 hearing, therefore, I dispatched to the Secretary of State the following telegram:

Hon. JOHN FOSTER DULLES,
Secretary of State, State Department, Washington, D. C.:

I have just testified before the House Committee on Agriculture in favor of a proposed amendment to a bill extending Public Law 480 which would require that we take reasonable precautions to safeguard the usual marketings of friendly countries. At the hearing the statement was made that the State Department had not informed the committee that any friendly countries objected to our failure to protect their usual marketings. I am sure that you know as I do that many friendly countries, including Canada, Mexico, Australia, New Zealand, Argentina, and Peru are deeply distressed because of the impact on them of Public Law 480. I call upon you to inform the appropriate committees of Congress immediately of the facts, since the extension bill is scheduled to come up for House consideration next Monday. Please let me know what action you take.

HENRY S. REUSS,
Member of Congress.

Later, on July 3, I received from the Secretary of State a copy of its letter of July 3 written to the House Committee on Agriculture:

DEPARTMENT OF STATE,
Washington, July 3, 1958.

The Honorable HAROLD D. COOLEY,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. COOLEY: The Secretary of State has received a telegram from the Honorable HENRY S. REUSS stating that during his testimony on Public Law 480 before the House Committee on Agriculture a statement was made that the committee had no information that friendly countries objected to our failure to protect their usual marketings. Mr. REUSS requests that the Department immediately inform the appropriate committee of Congress concerning the Department's position.

The Department has, as you know, supported the Public Law 480 program and large amounts of agricultural commodities have been sold under it. In the administration of this program, however, it is both in our interest and in the interest of the Free World to avoid displacing dollar sales from the United States and disrupting the normal markets of friendly countries. You will recall that I expressed this concern when I testified before the committee in May.

The barter aspect of this program is of particular concern to the Department. From time to time it will be in the national interest to engage in barter transactions on a government-to-government basis. Procedures already exist for barter transactions by private concerns which are compatible with the national interest. However, the provision in title I of H. R. 12954 directs the Secretary of Agriculture to barter agricultural commodities for certain materials in an amount not to exceed $500 million annually and also specifies that no restriction shall be placed on the countries of the Free World into which surplus agricultural commodities may be sold except where the Secretary of Agriculture has made a specific finding that the transaction will replace cash sales for dollars.

As you know a barter provision of this kind would not increase the quantity of United States surplus agricultural commodities that can be moved in the world markets without displacing normal sales. If adopted, it would be very damaging to our relations with a large number of our allies. In the past many friendly countries have taken particular exception to unlimited barter transactions of the kind referred to in the amendment and will, I am sure, continue to regard it as a dumping technique especially disruptive of world trade and injurious to their interests.

Sincerely yours,

THOMAS C. MANN,
Assistant Secretary.

Assistant Secretary Mann's letter, while in summary form, clearly expresses the State Department's concern with the harmful impact of Public Law 480 on friendly countries.

Public Law 480, with proper safeguards to protect the usual marketings of friendly countries, can be a great force for good. I hope that the Members will join me in making sure that the act contains such safeguards.

PROCEDURE OF INVESTIGATING COMMITTEES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 25 additional minutes, and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, recent events, especially the introduction of a resolution by our colleague, the gentleman from Missouri [Mr. CURTIS], asking for the appointment of a special committee of the House to ascertain how the House committees should conduct investigations, was emphasized by the morning papers and by yesterday's press.

It is a matter of common knowledge that for some time—yes, beginning back in the early thirties when Cordell Hull was Secretary of State, that Drew Pearson had some sort of disreputable and crooked arrangement with some of the employees of respectable hotels in town whereby he was in on information, on events that happened in the hotel and which had to do with governmental policies and methods.

My memory is, and if I am wrong I will correct it when I get back to the office, that at that time a telephone operator listened in on Cordell Hull's conversation with people who were guests at the hotel and then reported the substance of the matter to Drew.

Now can you think of anything that is more disreputable than that for a hotel to do? What a disgraceful way for a hotel to permit its patrons to be imposed upon.

In the press this morning, there is a statement that, on three occasions, Drew's men or man have been able to get an adjoining room to those occupied by people who were here on public business, evidently appearing before Government officials. Then Drew's stooge would listen in on conversations and report his version of what was said to Drew.

If that happened but once it might be just a coincidence without any prearrangement, but when we get three of these happenings, three of these instances, and on each one of them Drew's man is able to get an adjoining room, to that occupied by those on whom he was eavesdropping we know that somebody in that hotel was working for Drew Pearson and with him, keeping him advised when people come along to attend some of the hearings, and thereupon Drew is given that information and given an opportunity to get a spy in an adjoining room to listen in on conversations.

If there is anything that is more disgraceful in connection with the hotel business, it is difficult to name. And what a way to treat the Congress to which the city is applying for home rule. What a nasty, dirty way to treat hotel guests. And the people who at the moment are making the hotel a home.

As was stated yesterday, this man, Shacklette, is a bad, bad egg and the committee should have known it because from the well of this House several months ago some of his activities were reported and Members were warned against him. Why is it that some of our committees continue to hire that type of man?

We have heard a great deal about increasing the compensation to be paid to some of those who serve the Congress and the people and that by so doing we will get better men. I am not so concerned about their intelligence, although that is rather helpful on occasion, but how about their sense of honesty, fair play, and decency? Altogether too many just do not seem to have it, though many render fine service.

The committee of which I happen to be a member, the Committee on Government Operations, is one of the worst offenders. That committee had, in the 84th Congress, by direct appropriation in addition to expenditures made from the contingent fund, $995,000, just $5,000 less than a million dollars; and for this present 85th Congress, it was given—and this is in addition to expenditures from the contingent fund—$1,175,000 for investigations, and their men have been running all over.

To my personal knowledge, that committee had one attorney, you recall some years ago, an employee—we had him, the Republican Congress also had him—he came to us from the committee headed by Mr. SMITH of Virginia. The gentleman was just taken on because of recommendations he had. Protest was made, but he was kept on.

That employee went out West and went to financial institutions and demanded access to their files. He had no authority.

Is it not about time now, is it not about time that the House at least make some pretense of having its committees act fairly? That is all I want to say on that.

I had hopes that our colleague, the gentleman from Missouri [Mr. CURTIS] would be here. He is out of town on official business, but when he comes back it is my hope that he will press his resolution and that the House will authorize the Speaker to appoint a special committee to inquire into this bad situation. Summon Drew Pearson, Jack Anderson, the hotel manager, and employees and, under oath, make them tell what they are up to, what they have been and are doing, what the arrangement is, how much they are getting, and what their purpose is.

Call in the hotel people with their books. Disclose who rented what rooms, when and for how long. Call in the clerks. Call in all employees until the traitor is found. He or she is there all right, and the only way the hotels can clear their skirts is to show the truth. Some skunk is hiding on the hotel payroll.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. AVERY. Permit me to commend the gentleman from Michigan for his alertness, his sound judgment, and the vigor with which he has called attention to this present disgraceful situation. He has shown that Baron Shacklette, a $16,320 chief investigator of the House Committee on Interstate and Foreign Commerce, has in these recent investigations violated every rule of fair play, of orderly procedure, by "bugging in" and listening to conversations carried on by the attorney of Mr. Goldfine, who is under investigation by that committee and who has been here in Washington to appear as a witness.

I have heard rumors to the effect that the gentleman from Michigan is opposed in the coming primary in his State by individuals who call attention to his age, 82, and his record of long service here, and hint that because of his age and long service he should be retired.

Evidently his political critics do not know, as do the Members of this House, of the vigor, the energy, and the effectiveness of the gentleman, who, since my coming to Congress, has been always one of the most alert and effective legislators, who enjoys—as he deserves—the confidence and respect of his colleagues. I know of no Member who is more constantly in attendance, both at committee hearings and at sessions of the House, who more courageously speaks out, and that effectively, for the members of his party and the taxpayers of this Nation.

As the gentleman may know, I am a member of the Committee on Interstate and Foreign Commerce. It is a committee I am very proud to be a member of. I also have a great deal of confidence in our chairman, the gentleman from Arkansas [Mr. HARRIS].

I would like to point out to the gentleman from Michigan that before this deplorable incident I understand that the gentleman from Arkansas [Mr. HARRIS], chairman of the parent Committee on Interstate and Foreign Commerce, and now acting chairman of the Oversight Subcommittee, was of the opinion when Mr. Schwartz was dismissed that Mr. Shacklette should also be dismissed at that time, but that he was not able to receive enough support among the membership of the Oversight Subcommittee to secure his discharge.

Mr. HOFFMAN. The gentleman's statement is helpful. I have no criticism of the chairman of his committee, which is a most excellent one. Everyone on the floor knows, every Member of the House knows—that all chairmen have more than they can do. They cannot personally do everything; they must rely on some of the subordinates on the committee.

But there is somewhere around in our midst a group that keeps those fellows on.

This is not something that is new. This existed back in 1948 and 1949. I know it. A gentleman who sits back there on the floor knows there were accusations by our committee at that time and we had trouble getting rid of those crooked employees. We finally got some of them out. But something more drastic will have to be done if we are to have a clean house. People in Washington, certainly in my judgment respectable, I assume they are, someone somewhere down the line, some of their employees, are cooperating with Drew Pearson and his garbage collectors, and also, it might well be said some who have Communist tendencies are in on the deals.

It is long past time that this House cleaned up its own committees. Otherwise we will lose the respect of every decent citizen who knows the situation.

Mr. AVERY. I would like further to point out to the gentleman, if I may, that our chairman in this particular incident registered his usual sense of fair play. Our chairman usually refers all matters to our full committee when a policy decision is to be made, and for that I admire him very much regardless of any political implications it might have. In this case I think the Congress would have been better off if he had acted on his own initiative—and he would have the power to—and discharged Mr. Shacklette months ago.

Mr. HOFFMAN. He does not have the power to fire, but the committee could undoubtedly follow his wish. Shacklette should not have been permitted to resign. He should have been kicked off. He has been hanging around Congressional committees for years. So have some others who should be kicked off the Hill.

When on committees we find that there are crooks and disloyal people I cannot understand the tendency to keep them on. If you have a red tinge, apparently you are all right. If you are a so-called liberal, you are all right. I know that our own committee has at least two groups of employees. One is a public ownership group which is determined to put private enterprise out of the picture; and the other is a group that is trying to dig up apparent rot wherever they think they can find it, bringing out things which supposedly will reflect discredit on the administration. I know what I am talking about. I would like something more than just hearsay on top of hearsay to go on.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. YOUNGER. Just a moment ago the gentleman from Kansas implied that the question of employing Shacklette was referred back to the full committee.

Mr. AVERY. If I left that implication I might reply to my friend from California I did not mean to do so. I should have said and meant to imply that it was the usual sense of fair play on the part of the chairman to refer the Shacklette matter to the Oversight Subcommittee rather than making the decision himself as most chairmen would normally do.

Mr. YOUNGER. I just wanted to correct the RECORD because I know about Mr. Shacklette from my service on the Government Operations Committee.

Mr. AVERY. I am glad to clear that up.

Mr. HOFFMAN. How long back was that?

Mr. YOUNGER. Three years.

Mr. HOFFMAN. Three years ago. This matter was called to their attention, yet committees kept him on and keep him on. I cannot figure it out. There should be some broad general policies which should be followed.

For example, there came out in the papers an item about an employee of the gentleman now in the chair who got a Christmas present. Heavens on earth. What do these scandal hunters want us to do, shut off all impulses of humanitarianism? I can also criticize these lobbyists, the lobbyists that come into our offices day after day and take so much time of the staff and never even bring them a penny's worth of candy. Some of them are the tightest wads I ever saw.

One day one who was a nuisance and had taken a great deal of time asked one of the clerks to go to lunch. Immediately I said no. If you cannot afford a dinner after all she has done for your company just forget it.

Then some are fine fellows, taking no more time than necessary—giving us much worthwhile information—asking no improper or special favors.

I hope the end will come if and when I forget all tendencies to be friendly and generous toward those I meet or with whom I work.

But now to an entirely different subject, the citizens right to earn a living, food, clothing, shelter, security, the welfare of his children.

A GLIMMER OF LIGHT

Mr. HOFFMAN. Mr. Speaker, the editorial entitled "Law or No Law, There

Is a Right to Work," in the Saturday Evening Post of July 12, 1958, is a slight indication that at last at least a few publications are beginning to realize that, while we are sending billions upon billions abroad in behalf of "a free people and free nations," here at home, in what has been known as the citadel of liberty, we do not have freedom.

It was my purpose to, when the Supreme Court on May 26, 1958, handed down its opinions in case No. 21—International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, UAW–CIO, an Unincorporated Labor Organization, and Michael Volk, an Individual, Petitioners, against Paul S. Russell—October term, 1957—and case No. 31—International Association of Machinists, an Unincorporated Association; Charles Truax, Individually, and so forth, et al., Petitioners, against Marcos Gonzales—also October term, 1957—to read those opinions from the well of the House, not because any new principle of law was enunciated, but because the Court at long last had given voice in support of a basic freedom and upheld in its opinion the individual's right to work. That is a right which has long been denied through the exercise of force and violence by the officials of some unions, using goon squads to forcibly prevent the exercise of that fundamental right.

While the majority opinions announced no new principle, the dissenting opinions, especially that of Mr. Chief Justice Warren, in the Russell case, voice a complete surrender to the doctrine that the individual's right to strike and to by force enforce that right should be maintained whatever may be the result to the public. It is a reassertion many times enunciated by the so-called liberals on the Court, that the right of the individual is superior to that of the people; that the individual's desire will be enforced even though the welfare of the people as a whole, the security of the country, is completely ignored. One has but to read the Mallory case, the Watkins case, the Green case, and the earlier cases which held that the right to enforce a strike by violence was but the exercise of the right to speak freely. To sense the trend of the Court's previous thinking, permit me to read the editorial:

LAW OR NO LAW, THERE IS A RIGHT TO WORK

The poor showing made by Senator KNOWLAND in the recent California primary election is being cited as evidence of a national disapproval of right-to-work laws. He had based much of his campaign for governor on the Republican ticket on that issue.

However, it is a little early for friends of the comman man in the labor unions to throw in the towel. In several States right-to-work candidates fared better. In Alabama, Attorney General Patterson won convincingly against a candidate who vigorously opposed legislation to protect rank-and-file workers from exploitation by goons and politically ambitious union bosses. Successes were scored also in New Jersey, Illinois, Indiana, and New Mexico by candidates who showed independence of union backing.

Whatever happens to right-to-work laws, the Supreme Court, in a surprising recent decision, has conceded that there is at least a right to work. The court upheld the right of an Alabama worker who had been forced by union pickets to remain unemployed and whose automobile had been damaged in a violent assault, to sue in the State courts. Chief Justice Warren in a dissenting opinion made this extraordinary statement:

"There is a very real prospect of staggering punitive damages accumulated through successive actions by members who have succumbed to the emotion that frequently accompanies concerted activities during labor unrest."

In other words, a worker who is beaten up by pickets, his property damaged and his family terrorized should have no redress because the union might have to pay.

To curb goon violence, which is seldom the result of emotion, as the Chief Justice appears to believe, but is part of a calculated campaign of terror, it is hardly sufficient to give the aggrieved worker the right to sue the union for damages, a right which he seldom has the hardihood to exercise. The rank-and-file worker should be protected by law in his right to join or not to join a labor union as he is protected in his right to choose a church or a chainstore.

It is seldom mentioned by opponents of right-to-work laws, but one giant in the labor movement who had serious doubts about the right of unions to decide who should work and who should not was the late Samuel Gompers. In the 1925 edition of his autobiography, Seventy Years of Life and Labor (Dutton), Gompers, after giving an account of an encounter with a man who had been thrown out of a union for strikebreaking, wrote: "I held and I hold that if a union expels a member and he is deprived of his livelihood, in theory or in fact, in so far as he and his dependents upon him are concerned it is a capital punishment."

Last year an abridged edition of the Gompers biography appeared under the editorship of Prof. Philip Taft, of Brown University, and John A. Sessions, a former professor now associated with the International Ladies' Garment Workers Union. Unfortunately this edition omits the great emancipator's comment that exclusion from membership in a union could amount to capital punishment.

If a man can be deprived of the right to work because of nonmembership in a union, he can easily be the victim of the capital punishment described by Mr. Gompers. Indeed, the files of the McClellan committee contain many tragic letters from men who are walking the streets in search of work after incurring the displeasure of a union leader and have lost their jobs because of union-shop agreements.

So that each individual who desires may judge for himself as to the soundness of the reasoning in the two cases referred to, permit me to read those opinions.

In the first case, that where Russell was involved, the Court said:

Mr. Justice Burton delivered the opinion of the Court.

"The issue before us is whether a State court, in 1952, had jurisdiction to entertain an action by an employee, who worked in an industry affecting interstate commerce, against a union and its agent, for malicious interference with such employee's lawful occupation. In *United Workers* v. *Laburnum Corp.* (347 U. S. 656, 657), we held that Congress had not given the National Labor Relations Board such exclusive jurisdiction over the subject matter of a common-law tort action for damages as to preclude an appropriate State court from hearing and determining its issues where such conduct constitutes an unfair labor practice under the Labor Management Relations Act, 1947, or the National Labor Relations Act, as amended.[1] For the reasons hereafter stated, we uphold the jurisdiction of the State courts in this case as we did in the Laburnum case.

"This action was instituted in the Circuit Court of Morgan County, Ala., in 1952, by Paul S. Russell, the respondent, against the petitioners, International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, CIO, an unincorporated labor organization, here called the union, and its agent, Volk, together with other parties not now in the case. Russell was a maintenance electrician employed by Calumet and Hecla Consolidated Copper Co. (Wolverine tube division) in Decatur, Ala., at $1.75 an hour and earned approximately $100 a week. The union was the bargaining agent for certain employees of that division but Russell was not a member of the union nor had he applied for such membership.

"The allegations of his amended complaint may be summarized as follows: The union, on behalf of the employees it represented, called a strike to commence July 18, 1951. To prevent Russell and other hourly paid employees from entering the plant during the strike, and to thus make the strike effective, petitioners maintained a picket line from July 18 to September 24, 1951. This line was located along and in the public street which was the only means of ingress and egress to the plant. The line consisted of persons standing along the street or walking in a compact circle across the entire traveled portion of the street. Such pickets, on July 18, by force of numbers, threats of bodily harm to Russell and of damage to his property, prevented him from reaching the plant gates. At least one striker took hold of Russell's automobile. Some of the pickets stood or walked in front of his automobile in such a manner as to block the street and make it impossible for him, and others similarly situated, to enter the plant. The amended complaint also contained a second count to the same general effect but alleging that petitioners unlawfully conspired with other persons to do the acts above described.

"The amended complaint further alleged that petitioners willfully and maliciously caused Russell to lose time from his work from July 18 to August 22, 1951, and to lose the earnings which he would have received had he and others not been prevented from going to and from the plant. Russell, accordingly, claimed compensatory damages for his loss of earnings and for his mental anguish, plus punitive damages, in the total sum of $50,000.

"Petitioners filed a plea to the jurisdiction. They claimed that the National Labor Relations Board had jurisdiction of the controversy to the exclusion of the State court. The trial court overruled Russel's demurrer to the plea. However, the Supreme Court of Alabama reversed the trial court and upheld the jurisdiction of that court, even though the amended complaint charged a violation of section 8 (b) (1) (A) of the Federal Act.[2] 258 Ala. 615, 64 So. 2d 384.

"On remand, petitioners' plea to the jurisdiction was again filed but this time Russell's demurrer to it was sustained. The case went to trial before a jury and resulted in a general verdict and a judgment for Russell in the amount of $10,000, including punitive damages. On appeal, the Supreme Court of

[1] 61 Stat. 136, 29 U. S. C. § 141.

[2] We assume, for the purposes of this case, that the union's conduct did violate section 8 (b) (1) (A) which provides:

"(b) It shall be an unfair labor practice for a labor organization or its agents—

"(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 7: *Provided,* That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein * * *" 61 Stat. 141, 29 U. S. C. § 158 (b) (1) (A).

Alabama reaffirmed the Circuit Court's jurisdiction. It also affirmed the judgment for Russell on the merits, holding that Russell had proved the tort of wrongful interference with a lawful occupation (264 Ala. 456, 88 So. 2d 175). Because of the importance of the jurisdictional issue, we granted certiorari (352 U. S. 915).

"There was much conflict in the testimony as to what took place in connection with the picketing, but those conflicts were resolved by the jury in favor of Russell.[3] Accepting a view of the evidence most favorable to him, the jury was entitled to conclude that petitioners did, by mass picketing and threats of violence, prevent him from entering the plant and from engaging in his employment from July 18 to August 22. The jury could have found that work would have been available within the plant if Russell, and others desiring entry, had not been excluded by the force, or threats of force, of the strikers.[4]

[3] Among the instructions given to the jury were the following requested by petitioners:

"5. I charge you that unless you are reasonably satisfied from the evidence in this case that the proximate cause of [respondent's] inability to work at the Decatur plant of Calumet & Hecla Consolidated Copper Co. (Wolverine Tube Division) during the period from July 18, 1951, to August 22, 1951, was that a picket line was conducted by the [petitioners] in a maner which by force and violence, or threats of force and violence prevented [respondent] from entering the plant, and unless you are also reasonably satisfied from the evidence that work would have been available to [respondent] in the plant during said period, except for picketing in such manner, you should not return a verdict for the [respondent].

"6. I charge you that unless you are reasonably satisfied from the evidence that the acts complained of by [respondent] occurred, and that the [respondent] suffered a loss of wages as the natural and proximate result of said acts, you should return your verdict for the [petitioners]."

In its main charge to the jury, the trial court included the following statement:

"If, in this case, after considering all the evidence and under the instructions I have given you, you are reasonably satisfied that at the time complained of and in doing the acts charged, the [petitioners] * * * actuated by malice and actuated by ill-will, committed the unlawful and wrongful acts alleged, you, in addition to the actual damages, if any, may give damages for the sake of example and by way of punishing the [petitioners] or for the purpose of making the [petitioners] smart, not exceeding in all the amount claimed in the complaint.

"In order to authorize the fixing of such damages you must be reasonably satisfied from the evidence that there was present willfulness or wantonness and a reckless disregard of the rights of the other person."

[4] On the evidence before it, the jury was entitled to find that about 400 of the employees who had attended union meetings on July 17 were in front of the plant gates at 8 o'clock the following morning. A crowd of between 1,500 and 2,000 people, including the above 400, was near the plant gates when the first shift was due to report for work at 8 a. m. Between 700 and 800 automobiles were parked along the street which led to and ended at the plant. A picket line of 25 to 30 strikers, carrying signs and walking about 3 feet apart, moved in a circle extending completely across the street. Adjacent to the street at that point, there was a group of about 150 people, some of whom changed places with those in the circle. On the other side of the street, there was another group of about 50 people. Many members of the first shift came, bringing their lunches, in expectation of working that day as usual. Russell was one of these and he tried to reach the plant gates. Because of the crowd, he proceeded slowly to within 20 or 30 feet of the picket line. There he felt a drag on his car and stopped. While thus stopped, the regional director of the union came to him and said, "If you are salaried, you can go on in. If you are hourly, this is as far as you can go." Russell nevertheless edged toward the entrance until someone near the picket line called out, "He's going to try to go through." Another yelled, "Looks like we're going to have to turn him over to get rid of him," and several yelled, "Turn him over." No one actually attempted to turn over Russell's car, but the picket line effectively blocked his further progress. He remained there for more than an hour and a half. From time to time, he tried to ease his car forward but, when he did so, the pickets would stop walking and turn their signs toward his car, some of them touching the car. When he became convinced that he could not get through the picket line without running over somebody or getting turned over, he went home. The plant's offices were open and salaried employees worked there throughout the strike. Russell and other hourly employees necessary to operate the plant were prevented from reaching the company gates in the manner described. During the next 5 weeks he kept in touch with the unchanged situation at the plant entrance, and set about securing signatures to a petition of enough employees who wished to resume work to operate the plant. After obtaining over 200 signatures, the petition was presented to the company on or about August 18. On August 20, the company advertised in a local newspaper that on August 22 the plant would resume operations. All employees were requested to report to work at 8 a. m. on August 22. At that time, about 70 State highway patrol officers and 20 local police officers were at the gates and convoyed into the plant about 230 hourly paid employees reporting for work. Russell was among them and he was immediately put to work. Thereafter, he had no difficulty in entering the plant.

There also was evidence that on August 20 the company sought to run its switch engine out of the yard to bring in cars containing copper ingots. The engine, however, was met by strikers—some of whom stood in its path. One pulled out the engine's ignition key and threw it away. Others in the crowd cut the engine's fan belts, air hoses and spark-plug wires, removed the distributor head and disabled the brakes. The engine was then rolled back into the plant yard by the crew without its mission having been accomplished. There is no evidence that Russell was present on this occasion.

This leaves no significant issue of fact for decision here. The principal issue of law is whether the State court had jurisdiction to entertain Russell's amended complaint or whether that jurisdiction had been preempted by Congress and vested exclusively in the National Labor Relations Board.

"At the outset, we note that the union's activity in this case clearly was not protected by Federal law. Indeed the strike was conducted in such a manner that it could have been enjoined by Alabama courts. *Youngdahl* v. *Rainfair, Inc.* (355 U. S. 131); *Auto Workers* v. *Wisconsin Board* (351 U. S. 266).

"In the Laburnum case, supra, the union, with intimidation and threats of violence, demanded recognition to which it was not entitled. In that manner, the union prevented the employer from using its regular employees and forced it to abandon a construction contract with a consequent loss of profits. The employer filed a tort action in a Virginia court and received a judgment for about $30,000 compensatory damages, plus $100,000 punitive damages. On petition for certiorari, we upheld the State court's jurisdiction and affirmed its judgment. We assumed that the conduct of the union constituted a violation of section 8 (b) (1) (A) of the Federal act. Nevertheless, we held that the Federal act did not expressly or impliedly deprive the employer of its common-law right of action in tort for damages.

"This case is similar to Laburnum in many respects. In each, a State court awarded compensatory and punitive damages against a union for conduct which was a tort and also assumed to be an unfair labor practice. The situations are comparable except that, in the instant case, the Board is authorized, under section 10 (c) of the Federal act, to award back pay to employees under certain circumstances. We assume, for the purpose of argument, that the Board would have had authority to award back pay to Russell.[5] Petitioners assert that the possibility of partial relief distinguishes the instant case from Laburnum. It is our view that Congress has not made such a distinction and that it has not, in either case, deprived a victim of the kind of conduct here involved of common-law rights of action for all damages suffered.

"Section 10 (c) of the Federal Act, upon which petitioners must rely, gives limited authority to the Board to award back pay to employees. The material provisions are the following:

" 'If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the polices of this act: *Provided*, That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him' (61 Stat. 147, 29 U. S. C. sec. 160 (c)).

"If an award of damages by a State court for conduct such as is involved in the present case is not otherwise prohibited by the Federal acts, it certainly is not prohibited by the provisions of section 10 (c). This section is far from being an express grant of exclusive jurisdiction superseding common-law actions, by either an employer or an employee, to recover damages caused by the tortious conduct of a union. To make an award, the Board must first be convinced that the award would 'effectuate the policies' of the act. 'The remedy of back pay, it must be remembered, is entrusted to the Board's discretion; it is not mechanically compelled by the act.' *Phelps Dodge*

[5] The Board has held that it can award back pay where a union has wrongfully caused a termination in the employee status, but not in a case such as this when a union merely interferes with access to work by one who remains at all times an employee. In re *United Furniture Workers of America, CIO* (84 N. L. R. B. 563, 565). That view was acknowledged in *Progressive Mine Workers* v. *Labor Board* (187 F. 2d 398, 306–307), and has been adhered to by the Board in subsequent cases. E. g., *Local 983* (115 N. L. R. B. 1123). Petitioners contend that the Board's above interpretation of its own power conflicts with the rationale of *Phelps Dodge Corp.* v. *Labor Board* (313 U. S. 177), and *Virginia Electric Co.* v. *Labor Board* (319 U. S. 533). See also, In re *United Mine Workers* (92 N. L. R. B. 916, 920) (dissenting opinion); *United Electrical, Radio and Machine Workers* (95 N. L. R. B. 391, 392, n. 3). As the decision of this question is not essential in the instant case, we do not pass upon it.

Corp. v. *Labor Board* (313 U. S. 177, 198). The power to order affirmative relief under section 10 (c) is merely incidental to the primary purpose of Congress to stop and to prevent unfair labor practices. Congress did not establish a general scheme authorizing the Board to award full compensatory damages for injuries caused by wrongful conduct. *United Workers* v. *Laburnum Corp.* (347 U. S. 656, 666–667). In *Virginia Electric Co.* v. *Labor Board* (319 U. S. 533, 543), in speaking of the Board's power to grant affirmative relief, we said:

" 'The instant reimbursement order [which directs reimbursement by an employer of dues checked off for a dominated union] is not a redress for a private wrong. Like a back pay order, it does restore to the employees in some measure what was taken from them because of the company's unfair labor practices. In this, both these types of monetary awards somewhat resemble compensation for private injury, but it must be constantly remembered that both are remedies created by statute—the one explicitly and the other implicitly in the concept of effectuation of the policies of the act—which are designed to aid in achieving the elimination of industrial conflict. They vindicate public, not private, rights. Cf. *Agwilines, Inc.* v. *Labor Board* (87 F. 2d 146, 150–51); *Phelps Dodge Corp.* v. *Labor Board* (313 U. S. 177). For this reason it is erroneous to characterize this reimbursement order as penal or as the adjudication of a mass tort. It is equally wrong to fetter the Board's discretion by compelling it to observe conventional common law or chancery principles in fashioning such an order, or to force it to inquire into the amount of damages actually sustained. Whether and to what extent such matters should be considered is a complex problem for the Board to decide in the light of its administrative experience and knowledge."

In Laburnum, in distinguishing *Garner* v. *Teamsters Union* (346 U. S. 485), we said:

"To the extent that Congress prescribed preventive procedure against unfair labor practices, that case recognized that the act excluded conflicting State procedure to the same end. To the extent, however, that Congress has not prescribed procedure for dealing with the consequences of tortious conduct already committed, there is no ground for concluding that existing criminal penalties or liabilities for tortious conduct have been eliminated. The care we took in the Garner case to demonstrate the existing conflict between State and Federal administrative remedies in that case was, itself, a recognition that if no conflict had existed, the State procedure would have survived" (347 U. S., at 665).

"In this case there is a possibility that both the Board and the State courts have jurisdiction to award lost pay. However, that possibility does not create the kind of 'conflict' of remedies referred to in Laburnum. Our cases which hold that State jurisdiction is preempted are distinguishable. In them we have been concerned lest one forum would enjoin, as illegal, conduct which the other forum would find legal, or that the State courts would restrict the excise of rights guaranteed by the Federal acts.[6]

"In the instant case, there would be no 'conflict' even if one forum awarded back pay and the other did not. There is nothing inconsistent in holding that an employee may recover lost wages as damages in a tort action under State law, and also holding that the award of such damages is not necessary to effectuate the purposes of the Federal act.

"In order to effectuate the policies of the act, Congress has allowed the Board, in its discretion, to award back pay. Such awards may incidentally provide some compensatory relief to victims of unfair labor practices. This does not mean that Congress necessarily intended this discretionary relief to constitute an exclusive pattern of money damages for private injuries. Nor do we think that the Alabama tort remedy, as applied in this case, altered rights and duties affirmatively established by Congress.

"To the extent that a back pay award may provide relief for victims of an unfair labor practice, it is a partial alternative to a suit in the State courts for loss of earnings. If the employee's common-law rights of action against a union tort-feasor are to be cut off, that would in effect grant to unions a substantial immunity for the consequences of mass picketing or coercion such as was employed during the strike in the present case.

"The situation may be illustrated by supposing, in the instant case, that Russell's car had been turned over resulting in damage to the car and personal injury to him. Under State law presumably he could have recovered for medical expenses, pain and suffering and property damages. Such items of recovery are beyond the scope of present Board remedial orders. Following the reasoning adopted by us in the Laburnum case, we believe that State jurisdiction to award damages for these items is not preempted. Cf. *International Assn. of Machinists* v. *Gonzales, ante,* p. —, decided this day. Nor can we see any difference, significant for present purposes, between tort damages to recover medical expenses and tort damages to recover lost wages. We conclude that an employee's right to recover, in the State courts, all damages caused him by this kind of tortious conduct cannot fairly be said to be preempted without a clearer declaration of Congressional policy than we find here. Of course, Russell could not collect duplicate compensation for lost pay from the State courts and the Board.

"Punitive damages constitute a well-settled form of relief under the law of Alabama when there is a willful and malicious wrong. *Penney* v. *Warren* (217 Ala. 120, 115 So. 16). To the extent that such relief is penal in its nature, it is all the more clearly not granted to the Board by the Federal Acts. *Republic Steel Corp.* v. *Labor Board* (311 N. S. 7, 10–12). The power to impose punitive sanctions is within the jurisdiction of the State courts but not within that of the Board. In Laburnum we approved a judgment that included $100,000 in punitive damages. For the exercise of the police power of a State over such a case as this, see also, *Youngdahl* v. *Rainfair, Inc.* (355 U. S. 131); *Auto Workers* v. *Wisconsin Board* (351 U. S. 266, 274, n. 12).

"Accordingly, the judgment of the Supreme Court of Alabama is affirmed."

Mr. Justice Black took no part in the consideration or decision of this case.

Mr. Chief Justice Warren, with whom Mr. Justice Douglas joins, dissenting:

"The issue in this case is whether the Taft-Hartley Act has preempted a State's power to assess compensatory and punitive damages against a union for denying a worker access to a plant during an economic strike—conduct that the Federal Act subjects to correction as an unfair labor practice under section 8 (b) (1) (A). If Congress had specifically provided that the States were without power to award damages under such circumstances, or if it had expressly sanctioned such redress in the State courts, our course of action would be clear. Because Congress did not in specific words make its will manifest, *International Union* v. *Wisconsin Employment Relations Board* (336 U. S. 245, 252) we must be guided by what is consistent with the scheme of regulation that Congress has established.

"It is clear from the legislative history of the Taft-Hartley Act that in subjecting certain conduct to regulation as an unfair labor practice Congress had no intention of impairing a State's traditional powers to punish or in some instances prevent that same conduct when it was offensive to what a leading case termed 'such traditionally local matters as public safety and order and the use of streets and highways.' *Allen-Bradley Local* v. *Wisconsin Board* (315 U. S. 740, 749). Both proponents and critics of the measure conceded that certain unfair labor practices would include acts 'constituting violation of the law of the State,'[7] 'illegal under State law,'[8] 'punishable under State and local police law,'[9] or acts of such nature that 'the main remedy for such conditions is prosecution under State law and better local law enforcement.'[10] It was this role of State law that the lawmakers referred to when they conceded that there would be 'two remedies'[11] for a violent unfair labor practice. For example, when Senator Taft was explaining to the Senate the import of the section 8 (b) (1) (A) unfair labor practice, he responded in this manner to a suggestion that it would 'result in a duplication of some of the State laws':

" 'I may say further that one of the arguments has suggested that in case this provision covered violence it duplicated State law. I wish to point out that the provisions agreed to by the committee covering unfair labor practices on the part of labor unions also might duplicate to some extent that State law. Secondary boycotts, jurisdictional strikes, and so forth, may involve some violation of State law respecting violence which may be criminal, and so to some extent the measure may be duplicating the remedy existing under State law. But that, in my opinion, is no valid argument.'[12]

"This frequent reference to a State's continuing power to prescribe criminal punishments for conduct defined as an unfair labor practice by the Federal act is in sharp contrast to the absence of any reference to a State's power to award damages for that conduct.

"In the absence of a reliable indication of Congressional intent, the Court should be guided by principles that lead to a result consistent with the legislative will. It is clear that the States may not take action that fetters the exercise of rights protected by the Federal act, *Hill* v. *Florida* (325 U. S.

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[6] See, e. g., *San Diego Council* v. *Garmon* (353 U. S. 26 (involving State injunction of peaceful picketing)), *Amalgamated Meat Cutters* v. *Fairlawn Meats, Inc.* (353 U. S. 20, 23 (same)); *United Mine Workers* v. *Arkansas Oak Flooring Co.* (351 U. S. 62, 75 (same)); *Garner* v. *Teamsters Union* (346 U. S. 485, 498–500 (same)); *Weber* v. *Anheuser-Busch, Inc.* (348 U. S. 468, 475–476, 479–481 (involving State injunction of a strike and peaceful picketing)); *Bus Employees* v. *Wisconsin Board* (340 U. S. 383, 394–395, 398–399 (involving State statute restricting right to strike of, and compelling arbitration by, public utility employees)); *Automobile Workers* v. *O'Brien* (339 U. S. 454, 456–459 (involving State statute restricting right to strike by requiring, as a condition precedent, a strike vote resulting in an affirmative majority)); *La Crosse Telephone Corp.* v. *Wisconsin Board* (336 U. S. 18, 24–26 (involving State certification of the appropriate unit for collective bargaining)); *Bethlehem Steel Co.* v. *New York Board* (330 U. S. 767, 773–776 (same)); *Hill* v. *Florida ex rel. Watson* (325 U. S. 538, 541–543 (involving State statute restricting eligibility to be a labor representative)).

[7] 93 CONGRESSIONAL RECORD 4145.

[8] S. Rept. No. 105 on S. 1126, Supp. Views, 80th Cong., 1st sess., 50.

[9] 93 CONGRESSIONAL RECORD 4139.

[10] 93 CONGRESSIONAL RECORD 4559.

[11] E g., 93 CONGRESSIONAL RECORD 4145.

[12] 93 CONGRESSIONAL RECORD 4563.

538), or constitutes a counterpart to its regulatory scheme, *International Union of United Automobile Workers* v. *O'Brien*, (339 U. S. 454), or duplicates its remedies, *Garner* v. *Teamsters Union* (346 U. S. 485). The Court must determine whether the State law 'stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.' *Hines* v. *Davidowitz* (312 U. S. 52, 67). If the State action would frustrate the policies expressed or implied in the Federal act, then it must fail. The State action here—a judgment requiring a certified bargaining representative to pay punitive and compensatory damages to a nonstriker who lost wages when striking union members denied him access to the plant—must be tested against that standard.

"Petitioners do not deny the State's power to award damages against individuals or against a union for physical injuries inflicted in the course of conduct regulated under the Federal act.[13] The majority's illustration involving facts of that sort is therefore beside the point. But the power to award damages for personal injuries does not necessarily imply a like power for other forms of monetary loss. The unprovoked infliction of personal injuries during a period of labor unrest is neither to be expected nor to be justified, but economic loss inevitably attends work stoppages. Furthermore, damages for personal injuries may be assessed without regard to the merits of the labor controversy, but in order to determine the cause and fix the responsibility for economic loss a court must consider the whole background and status of the dispute. As a consequence, precedents or examples involving personal injuries are inapposite when the problem is whether a State court may award damages for economic loss sustained from conduct regulated by the Federal act.

"The majority assumes for the purpose of argument that the Board had authority to compensate for the loss of wages involved here. If so, then the remedy the State court has afforded duplicates the remedy provided in the Federal act and is subject to the objections voiced in my dissent in *International Association of Machinists* v. *Gonzales*, ante, page —, decided this day. But I find it unnecessary to rely upon any particular construction of the Board's remedial authority under section 10 (c) of the act. In my view, this is a case in which the State is without power to assess damages whether or not like relief is available under the Federal act. Even if we assume that the Board had no authority to award respondent back pay in the circumstances of this case, the existence of such a gap in the remedial scheme of Federal legislation is no license for the States to fashion correctives. *Guss* v. *Utah Labor Relations Board* (353 U. S. 1). The Federal act represents an attempt to balance the competing interests of employee, union and management. By providing additional remedies the States may upset that balance as effectively as by frustrating or duplicating existing ones.

"State court damage awards such as those in the instant case should be reversed because of the impact they will have on the purposes and objectives of the Federal act. The first objection is the want of uniformity this introduces into labor regulation. Unquestionably the Federal act sought to create a uniform scheme of national labor regulation. By approving a State court damage award for conduct regulated by the Taft-Hartley Act, the majority assures that the consequences of violating the Federal act will vary from State to State with the availability and constituent elements of a given right of action and the procedures and rules of evidence essential to its vindication. The matter of punitive damages is an example, though by no means the only one. Several States have outlawed or severely restricted such recoveries.[14] Those States where the recovery is still available entertain wide difference of opinion on the end sought to be served by the exaction and the conditions and terms on which it is to be imposed.[15]

"The multitude of tribunals that take part in imposing damages also has an unfavorable effect upon the uniformity the act sought to achieve. Especially is this so when the plaintiff is seeking punitive or other damages for which the measure of recovery is vague or nonexistent. Differing attitudes toward labor organizations will inevitably be given expression in verdicts returned by jurors in various localities. The provincialism this will engender in labor regulation is in direct opposition to the care Congress took in providing a single body of nationwide jurisdiction to administer its code of labor regulations. Because of these inescapable differences in the content and application of the various State laws, the majority's decision assures that the consequences of engaging in an unfair labor practice will vary from State to State. That is inconsistent with a basic purpose of the Federal act.

"The scant attention the majority pays to the large proportion of punitive damages in plaintiff's judgment[16] cannot disguise the serious problem posed by that recovery.[17] The element of deterrence inherent in the imposition or availability of punitive damages for conduct that is an unfair labor practice ordinarily makes such a recovery repugnant to the Federal act. The prospect of such liability on the part of a union for the action of its members in the course of concerted activities will inevitably influence the conduct of labor disputes. There is a very real prospect of staggering punitive damages accumulated through successive actions by parties injured by members who have succumbed to the emotion that frequently accompanies concerted activities during labor unrest. This threat could render even those activities protected by the Federal act too risky to undertake. Must we assume that the employer who resorts to a lockout is also subject to a succession of punitive recoveries at the hands of his employees? By its deterrent effect the imposition or availability of punitive damages serves a regulatory purpose paralleling that of the Federal act. It is precisely such an influence on the sensitive area of labor relations that the preemption doctrines are designed to avoid.

"There are other vices in the punitive recovery. A principal purpose of the Wagner and Taft-Hartley Acts is to promote industrial peace.[18] Consistent with that aim Congress created tribunals, procedures and remedies calculated to bring labor disputes to a speedy conclusion. Because the availability of a State damage action discourages resort to the curative features of the pertinent Federal labor law, it conflicts with the aims of that legislation. In a case such as the present one, for example, the plaintiff is unlikely to seek a cease-and-desist order, which would quickly terminate the section 8 (b) (1) (A) unfair labor practice, if he is assured compensatory damages and has the prospect of a lucrative punitive recovery as well.

In Alabama, as in many other jurisdictions, the theory of punitive damages is at variance with the curative aims of the Federal Act. The jury in this case was instructed that if it found that the defendant was "actuated by ill-will" they might award "smart money" (punitive damages) "for the purpose of making the defendant smart.[19] The parties to labor controversies have enough devices for making one another "smart" without this Court putting its stamp of approval upon another. I can conceive of nothing more disruptive of congenial labor relations than arming employee, union and management with the potential for "smarting" one another with exemplary damages. Even without the punitive element, a damage action has an unfavorable effect on the climate of labor relations. Each new step in the proceedings rekindles the animosity. Until final judgment the action is a constant source of friction between the parties. In the present case, for example, it has been nearly 6 years since the complaint was filed. The numerous other actions awaiting outcome of this case portend more years of bitterness before the courts can conclude what a Board cease-and-desist order might have settled in a week. As the dissent warned in *United Constr. Workers* v. *Laburnum Constr. Corp* (347 U. S. 656, 671), a State-court damage action for conduct that constitutes an unfair labor practice "drags on and on in the courts, keeping old wounds open, and robbing the administrative remedy of the healing effects it was intended to have."

"The majority places its principal reliance upon *United Constr. Workers* v. *Laburnum Constr. Corp., supra*. I joined in that decision, but my understanding of the case differs from that of the majority here. That case was an action by an employer against a stranger union for damages for interference with contractual relations. While engaged in construction work on certain mining properties the plaintiff employer had used AFL laborers pursuant to its collective bargaining contract. A field representative of the United Construction Workers, an affiliate of the United Mine Workers, informed plaintiff's foreman that he was working in 'Mine Workers territory,' and demanded that his union be recognized as the sole bargaining agent for the employees.

[13] *Hall* v. *Walters* (226 S. C. 430, 86 S. E. 2d 729, cert. denied, 349 U. S. 953); *McDaniel* v. *Textile Workers* (36 Tenn. App. 236, 254 S. W. 2d 1).

[14] Louisiana, Massachusetts, Nebraska, and Washington allow no such recovery. Indiana forbids it when the conduct is also punishable criminally. Connecticut limits the recovery to the expenses of litigation. McCormick, Damages, sec. 78. Note, 70 Harv. L. Rev. 517.

[15] Some States regard the damages as extra compensation for injured feelings. In most jurisdictions the recovery is calculated to punish and deter rather than compensate, though some States permit the jury to consider the plaintiff's costs of litigation. In most State courts a principal must answer if the wrongful conduct was within the general scope of the agent's authority. This list of differences is not exhaustive. McCormick, secs. 78–85. Note, 70 Harv. L. Rev. 517.

[16] Plantiff's wages were approximately $100 per week and he was out of work 5 weeks. Therefore, about $9,500 of his $10,000 verdict represents punitive damages and damages for "mental pain and anguish."

[17] *Republic Steel Corp.* v. *N. L. R. B.* (311 U. S. 7) is not authority for the majority's holding on punitive damages. That case held that the Board overstepped the remedial authority conferred by sec. 10 (c) of the Wagner Act when it required an employer to reimburse the Work Projects Administration for wages paid wrongfully discharged employees subsequently employed on WPA projects. The Court said this payment was in the nature of a penalty and concluded that the act conferred no authority on the Board to exact such a penalty. There was no question of preemption and no discussion directed at whether an award of punitive damages by a State would be consistent with the Federal act.

[18] 29 U. S. C., secs. 141, 151.

[19] R 632.

Otherwise, he threatened, the United Construction Workers would 'close down' all of the work. At the time of this ultimatum not a single worker in Laburnum's employ belonged to the stranger union. Plaintiff refused. A few days later the union representative appeared at the job site with a 'rough, boisterous crowd' variously estimated from 40 to 150 men. Some were drunk. Some carried guns and knives. Plaintiff's employees were informed that they would have to join the United Construction Workers or 'we will kick you out of here.' A few workers yielded to the mob. Those who refused were subjected to a course of threats and intimidation until they were afraid to proceed with their work. As a consequence, the employer was compelled to discontinue his work on the contract and it was lost. The employer sued the United Construction Workers for the profits lost by this interference, recovering compensatory and punitive damages.[20] This Court affirmed.

"There are at least three crucial differences between this case and Laburnum. First, in this case the plaintiff is seeking damages for an interference with his right to work during a strike. Since the right to refrain from concerted activities is protected by section 7 of the act, a section 8 (b) (1) (A) unfair labor practice is inherent in the wrong of which plaintiff complains, and the Federal act offers machinery to correct it. The section 8 (b) (1) (A) unfair labor practice in Laburnum, on the other hand, was involved only fortuitously. Damages were awarded for interference with the contractual relationship between the employer and the parties for whom the construction work was being performed. The means defendants chose to effect that interference happened to constitute an unfair labor practice, but the same tort might have been committed by a variety of means in no way offensive to the Federal act. Laburnum simply holds that a tort-feasor should not be allowed to immunize himself from liability for a wrong having no relation to Federal law simply because the means he adopts to effect the wrong transgress a comprehensive code of Federal regulation. The availability of State-court damage relief may discourage the employer from invoking the remedies of the Federal act on behalf of his employees.[21] But that effect may be tolerated since the employer's interest is at most derivative, and there will be nothing to dissuade the employees, who are more directly concerned, from using the Federal machinery to correct the interference with their protected activity.

"Second, the defendant in this case is the certified bargaining agent of employees at the plant where plaintiff is employed, and the wrong involved was committed in the course of picketing incident to an economic strike to enforce wage demands. Thus, the controversy grows out of what might be called an ordinary labor dispute. Continued relations may be expected between the parties to this litigation. The defendant in Laburnum, on the other hand, was a total stranger to the employer's collective bargaining contract, and could claim the membership of not a single worker. There was no prospect of a continuing relationship between the parties to the suit, and no need for concern over the climate of labor relations that an action might impair. The defendant was attempting to coerce Laburnum's employees, either by direct threats or employer pressures, to join its ranks. Such predatory forays are disfavored when undertaken by peaceful picketing, and even more so when unions engage in the crude violence used in Laburnum.

"Finally, the effect of punitive damages in cases such as the present one is entirely different from that which results from the recovery sanctioned in Laburnum. Since the wrong in Laburnum was committed against an employer, the damages exacted there were probably the extent of the defendant's liability for that particular conduct. Where it is employees who have been wronged, however, there may be dozens of actions for the same conduct, each with its own demand for punitive damages. In the instant case, for example, Russell is only 1 of 30 employees who have filed suits against the union for the same conduct, all of them claiming substantial punitive damages.[22] Whatever the law in other States, Alabama seems to hold to the view that evidence of a previous punitive recovery is inadmissible as a defense in a subsequent action claiming punitive damages for the same conduct.[23] Thus, the defendant union may be held for a whole series of punitive as well as compensatory recoveries. The damages claimed in the pending actions total $1,500,000, and to the prospect of liability for a fraction of that amount may be added the certainty of large legal expenses entailed in defending the suits. By reason of vicarious liability for its members' ill-advised conduct on the picket lines, the union is to be subjected to a series of judgments that may and probably will reduce it to bankruptcy, or at the very least deprive it of the means necessary to perform its role as bargaining agent of the employees it represents. To approve that risk is to exact a result Laburnum does not require.

"From the foregoing I conclude that the Laburnum case, to which the majority attributes such extravagant proportions, is not controlling here. In my judgment, the effect of allowing the State courts to award compensation and fix penalties for this and similar conduct will upset the pattern of rights and remedies established by Congress and will frustrate the very policies the Federal act seeks to implement. The prospect of that result impels me to dissent."

In the second case, Mr. Justice Frankfurter delivered the majority opinion. He stated:

Mr. Justice Frankfurter delivered the opinion of the Court:

"Claiming to have been expelled from membership in the International Association of Machinists and its local No. 68 in violation of his rights under the constitution and by-laws of the unions, respondent, a marine machinist, brought this suit against the international and local, together with their officers, in a superior court in California for restoration of his membership in the unions and for damages due to his illegal expulsion. The case was tried to the court, and on the basis of the pleadings, evidence, and argument of counsel, detailed findings of fact were made, conclusions of law drawn, and a judgment entered ordering the reinstatement of respondent and awarding him damages for lost wages as well as for physical and mental suffering. The judgment was

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[20] 194 Va. 872, 75 S. E. 2d 694.

[21] It is clear that the employer in Laburnum could have invoked the investigative and preventive machinery of the Board. An unfair labor practice charge may be filed by "any person." 29 C. F. R., 1955 Cum. Supp., sec. 102.9. *Local Union No. 25* v. *New York, New Haven & H. R. Co.*, 350 U. S. 155, 160.

[22] Petitioner has supplied the court with the following list of those cases. All are held in abeyance pending decision of the instant case. Unless otherwise noted each action is in the Circuit Court of Morgan County, Ala. The amount shown is the total damages asked, which is composed of a relatively insubstantial loss of wages claim and a balance of punitive damages. Petitioners' Appendixes, pp. 7a–9a.

1. *Burl McLemore* v. *United Automobile, Aircraft, and Agricultural Implement Workers of America, AFL–CIO, et al.*, No. 6150, $50,000. Verdict and judgment of $8,000. New trial granted because of improper argument of plaintiff's counsel (264 Ala. 538, 88 So. 2d 170).

2. *James W. Thompson* v. *Same*, No. 6151, $50,000. Appeal from $10,000 verdict and judgment pending in Supreme Court of Alabama.

3. *N. A. Palmer* v. *Same*, No. 6152, $50,000. Appeal from $18,450 verdict and judgment pending in Supreme Court of Alabama.

4. *Lloyd E. McAbee* v. *Same*, No. 6153, $50,000.

5. *Tommie F. Breeding* v. *Same*, No. 6154, $50,000.

6. *David G. Puckett* v. *Same*, No. 6155, $50,000.

7. *Comer T. Jenkins* v. *Same*, No. 6156, $50,000.

8. *Joseph E. Richardson* v. *Same*, No. 6157, $50,000.

9. *Cois E. Woodard* v. *Same*, No. 6158, $50,000.

10. *Millard E. Green* v. *Same*, No. 6159, $50,000.

11. *James C. Hughes* v. *Same*, No. 6160, $50,000.

12. *James C. Dillehay* v. *Same*, No. 6161, $50,000.

13. *James T. Kirby* v. *Same*, No. 6162, $50,000.

14. *Cloyce Frost* v. *Same*, No. 6163, $50,000.

15. *E. L. Thompson, Jr.* v. *Same*, No. 6164, $50,000.

16. *J. A. Glasscock, Jr.* v. *Same*, No. 6165, $50,000.

17. *Hoyt T. Penn* v. *Same*, No. 6166, $50,000.

18. *Spencer Weinman* v. *Same*, No. 6167, $50,000.

19. *Joseph J. Hightower* v. *Same*, No. 6168, $50,000.

20. *A. A. Kilpatrick* v. *Same*, No. 6169, $50,000.

21. *Charles E. Kirk* v. *Same*, No. 6170, $50,000.

22. *Richard W. Penn* v. *Same*, No. 6171, $50,000.

23. *Robert C. Russell* v. *Same*, No. 6172, $50,000.

24. *T. H. Abercrombie* v. *Same*, No. 6173, $50,000.

25. *James H. Tanner* v. *Same*, No. 6174, $50,000.

26. *Charles E. Carroll* v. *Same*, No. 6175, $50,000.

27. *Ordell T. Garvey* v. *Same*, No. 6176, $50,000.

28. *A. R. Barran* v. *Same*, No. 6177, $50,000.

29. *Russell L. Woodard* v. *Same*, No. 6178, $50,000.

[23] *Alabama Power Co.* v. *Goodwin* (210 Ala. 657, 99 So. 158). That was an action by a passenger against a streetcar company for injuries sustained in a collision. As a defense to a count for punitive damages, the defendant sought to show that punitive damages had already been awarded against it in another suit growing out of the same collision. The court held that the evidence was properly excluded, for "in its civil aspects the single act or omission forms as many distinct and unrelated wrongs as there are individuals injured by it" (210 Ala., at 658–659, 99 So., at 160). While conceding the logical relevancy of a previous recovery, the court felt that the rule of exclusion was the better rule since it would prevent the introduction of such collateral issues as whether and to what extent punitive damages had been included in a previous verdict. This rule of exclusion was applied in *Southern R. Co.* v. *Sherrill* (232 Ala. 184, 167 So. 731). Cf. McCormick. Damages, sec. 82, and 2 Southerland, Damages, sec. 402 (4th ed., 1916), discussing the majority rule that evidence of prior criminal punishment is inadmissible in an action for punitive damages for the same misfeasance.

affirmed by the District Court of Appeal (142 Cal. App. 2d 207) and the Supreme Court of California denied a petition for hearing. We brought the case here (352 U. S. 966) since it presented another important question concerning the extent to which the Labor Management Relations Act of 1947 (61 Stat. 136), as amended (29 U. S. C., secs. 141–197), has excluded the exercise of State power.

"The crux of the claim sustained by the California court was that under California law membership in a labor union constitutes a contract between the member and the union, the terms of which are governed by the constitution and bylaws of the union, and that State law provides, through mandatory reinstatement and damages, a remedy for breach of such contract through wrongful expulsion. This contractual conception of the relation between a member and his union widely prevails in this country and has recently been adopted by the House of Lords in *Bonsor* v. *Musicians' Union* ([1956] A. C. 104). It has been the law of California for at least half a century. See *Dingwall* v. *Amalgamated Assn. of Street R. Employees* (4 Cal. App. 565). Though an unincorporated association, a labor union is for many purposes given the rights and subject to the obligations of a legal entity. See *United Mine Workers* v. *Coronado Coal Co.* (259 U. S. 344, 383–392); *United States* v. *White* (322 U. S. 694, 701–703).

"That the power of California to afford the remedy of reinstatement for the wrongful expulsion of a union member has not been displaced by the Taft-Hartley Act is admitted by petitioners. Quite properly they do not attack so much of the judgment as orders respondent's reinstatement. As *Garner* v. *Teamsters Union* (346 U. S. 485) could not avoid deciding the Taft-Hartley Act undoubtedly carries implications of exclusive Federal authority. Congress withdrew from the States much that had theretofore rested with them. But the other half of what was pronounced in Garner—that the act leaves much to the States—is no less important (see 346 U. S., at 488). The statutory implications concerning what has been taken from the States and what has been left to them, are of a Delphic nature, to be translated into concreteness by the process of litigating elucidation. See *Weber* v. *Anheuser-Busch, Inc.* (348 U. S. 468, 474–477).

"Since we deal with implications to be drawn from the Taft-Hartley Act for the avoidance of conflicts between enforcement of Federal policy by the National Labor Relations Board and the exertion of State power, it might be abstractly justifiable, as a matter of wooden logic, to suggest that an action in a State court by a member of a union for restoration of his membership rights is precluded. In such a suit there may be embedded circumstances that could constitute an unfair labor practice under section 8 (b) (2) of the act. In the judgment of the Board, expulsion from a union, taken in connection with other circumstances established in a particular case, might constitute an attempt to cause an employer to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership (61 Stat. 141, 29 U. S. C., sec. 158 (b) (2)). But the protection of union members in their rights as members from arbitrary conduct by unions and union officers has not been undertaken by Federal law, and, indeed, the assertion of any such power has been expressly denied. The proviso to section 8 (b) (1) of the act states that "this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein" (61 Stat. 141, 29 U. S. C., sec. 158 (b) (1)). The present controversy is precisely one that gives legal efficacy under State law to the rules prescribed by a labor organization for retention of membership therein. Thus, to preclude a State court from exerting its traditional jurisdiction to determine and enforce the rights of union membership would in many cases leave an unjustly ousted member without remedy for the restoration of his important union rights. Such a drastic result, on the remote possibility of some entanglement with the Board's enforcement of the national policy, would require a more compelling indication of Congressional will than can be found in the interstices of the Taft-Hartley Act. See *United Constr. Workers* v. *Laburnum Constr. Corp.* (347 U. S. 656).

"Although petitioners do not claim that the State court lacked jurisdiction to order respondent's reinstatement, they do contend that it was without power to fill out this remedy by an award of damages for loss of wages and suffering resulting from the breach of contract. No radiation of the Taft-Hartley Act requires us thus to mutilate the comprehensive relief of equity and reach such an incongruous adjustment of Federal-State relations touching the regulation of labor. The National Labor Relations Board could not have given respondent the relief that California gave him according to its local law of contracts and damages. Although if the unions' conduct constituted an unfair labor practice the Board might possibly have been empowered to award back pay, in no event could it mulct in damages for mental or physical suffering. And the possibility of partial relief from the Board does not, in such a case as is here presented, deprive a party of available State remedies for all damages suffered. See *International Union, United Automobile Workers* v. *Russell* (— U. S. —).

"If, as we held in the Laburnum case, certain State causes of action sounding in tort are not displaced simply because there may be an argumentative coincidence in the facts adducible in the tort action and a plausible proceeding before the National Labor Relations Board, a State remedy for breach of contract also ought not be displaced by such evidentiary coincidence when the possibility of conflict with Federal policy is similarly remote. The possibility of conflict from the court's award of damages in the present case is no greater than from its order that respondent be restored to membership. In either case the potential conflict is too contingent, too remotely related to the public interest expressed in the Taft-Hartley Act, to justify depriving State courts of jurisdiction to vindicate the personal rights of an ousted union member. This is emphasized by the fact that the subject matter of the litigation in the present case, as the parties and the court conceived it, was the breach of a contract governing the relations between respondent and his unions.[1]

[1] "In determining the question of whether the exclusive jurisdiction to grant damages in a case of this kind lies in the Labor Relations Board, it is first necessary to determine the character of the pleadings and issues in this case. The petition alleged a breach of contract between the union and plaintiff, one of its members. * * * It took the form of a petition for writ of mandate because damages alone would not be adequate to restore to petitioner the things of value he had lost by reason of the breach. No charge of 'unfair labor practices' appears in the petition. The answer to the petition denied its allegations and challenged the jurisdiction of the court, but said nothing about unfair labor practices. The evidence adduced at the trial showed that plaintiff, because of his loss of membership, was unable to obtain employment and was thereby damaged. However, this damage was not charged nor treated as the result of an unfair labor practice but as a result of the breach of contract. Thus the question of unfair labor practice was not raised nor was any finding on the subject requested of, or made by, the court" (142 Cal. App. 2d 207, 217).

[2] 346 U. S., at 490.

[3] 346 U. S., at 498–499.

[4] "In Garner the emphasis was not on 2 conflicting labor statutes but rather on 2 similar remedies, 1 State and 1 Federal, brought to bear on precisely the same conduct."

The suit did not purport to remedy or regulate union conduct on the ground that it was designed to bring about employer discrimination against an employee, the evil the Board is concerned to strike at as an unfair labor practice under section 8 (b) (2). This important distinction between the purposes of Federal and State regulation has been aptly described: 'Although even these State court decisions may lead to possible conflict between the Federal Labor Board and State courts they do not present potentialities of conflicts in kind or degree which require a hands-off directive to the States. A State court decision requiring restoration of membership requires consideration of and judgment upon matters wholly outside the scope of the National Labor Relations Board's determination with reference to employer discrimination after union ouster from membership. The State court proceedings deal with arbitrariness and misconduct vis-a-vis the individual union members and the union; the Board proceeding, looking principally to the nexus between union action and employer discrimination, examines the ouster from membership in entirely different terms' (Isaacson, Labor Relations Law; Federal Versus State Jurisdiction (42 A. B. A. J. 415, 483)).

"The judgment is affirmed."

Mr. Justice Black took no part in the consideration or decision of this case.

Mr. Chief Justice Warren, with whom Mr. Justice Douglas joins, dissenting:

"By sustaining a State-court damage award against a labor organization for conduct that was subject to an unfair labor practice proceeding under the Federal Act, this Court sanctions a duplication and conflict of remedies to which I cannot assent. Such a disposition is contrary to the unanimous decision of this Court in *Garner* v. *Teamsters C. & H. Local Union* (346 U. S. 485):

"In Garner, we rejected an attempt to secure preventive relief under State law for conduct over which the Board has remedial authority. We held that the necessity for uniformity in the regulation of labor relations subject to the Federal act forbade recourse to potentially conflicting State remedies. The bases of that decision were clearly set forth:

" 'Congress evidently considered that centralized administration of specially designed procedures was necessary to obtain uniform application of its substantive rules and to avoid these diversities and conflicts likely to result from a variety of local procedures and attitudes toward labor controversies.[2]

" 'Further, even if we were to assume, with petitioners, that distinctly private rights were enforced by the State authorities, it does not follow that the State and Federal authorities may supplement each other in cases of this type. The conflict lies in remedies, not rights. The same picketing may injure both public and private rights. But when two separate remedies are brought to bear on the same activity, a conflict is imminent.'[3]

"The two subsequent opinions of this Court that have undertaken to restate the holding in Garner, one of them written by the author of today's marjority opinion, confirm its prohibition against duplication of remedies. *Weber* v. *Anheuser-Busch* (348 U. S. 468, 479);[4] *United Constr. Workers* v. *Laburnum*

Constr. Corp. (347 U. S. 656, 663, 665).[5] And if elucidating litigation was required to dispel the Delphic nature of that doctrine, the requisite concreteness has been adequately supplied. This Court has consistently turned back efforts to utilize State remedies for conduct subject to proceedings for relief under the Federal Act. *District Lodge 34, Int'l Assn. of Machinists* v. *L. P. Cavett Co.* (355 U. S. 39); *Local Union 429, Int'l Brotherhood of Electrical Workers* v. *Farnsworth & Chambers Co.* (353 U. S. 969); *Retail Clerks International Assn.* v. *J. J. Newberry Co.* (352 U. S. 987); *Pocatello Building & Constr. Trades Council* v. *C. H. Elle Constr. Co.* (352 U. S. 884); *Building Trades Council* v. *Kinard Constr. Co.* (346 U. S. 933). With the exception of cases allowing the State to exercise its police power to punish or prevent violence, *United A. A. & A. I. W.* v. *Wisconsin Employment Relations Board* (351 U. S. 266); *Youngdahl* v. *Rainfair, Inc.* (355 U. S. 131), the broad holding of Garner has never been impaired. Certainly *United Constr. Workers* v. *Laburnum Constr. Corp., supra,* did not have that effect. The Laburnum opinion carefully notes that the Federal act excludes conflicting State procedures, and emphasizes that 'Congress has neither provided nor suggested any substitute'[6] for the State relief there being sustained.[7]

"The principles declared in *Garner* v. *Teamsters C. & H. Local Union,* supra, were not the product of imperfect consideration or untried hypothesis. They comprise the fundamental doctrines that have guided this Court's preemption decisions for over a century. When Congress, acting in a field of dominant Federal interest as part of a comprehensive scheme of Federal regulation, confers rights and creates remedies with respect to certain conduct, it has expressed its judgment on the desirable scope of regulation, and State action to supplement it as conflicting, offensive, and invalid as State action in derogation. E. g., *Pennsylvania* v. *Nelson* (350 U. S. 497); *Missouri P. R. Co.* v. *Porter* (273 U. S. 341); *Houston* v. *Moore* (5 Wheat. 1, 21–23). This is as true of a State common-law right of action as it is of State regulatory legislation. *Texas & P. R. Co.* v. *Abilene Cotton Oil Co.* (204 U. S. 426). As recently as *Guss* v. *Utah Labor Relations Board* (353 U. S. 1) we had occasion to reemphasize the vitality of these preemption doctrines in a labor case where, due to NLRB inaction, the conduct involved was either subject to State regulation or it was wholly unregulated. We set aside a State-court remedial order directed at activity that had been the subject of unfair labor practice charges with the Board, declaring that: 'the [secession of jurisdiction] proviso to section 10 (a) is the exclusive means whereby States may be enabled to act concerning the matters which Congress has entrusted to the National Labor Relations Board.'[8]

"That the foregoing principles of preemption apply to the type of dispute involved in this case cannot be doubted. Comment hardly need be made upon the comprehensive nature of the Federal labor regulation in the Taft-Hartley Act. One of its declared purposes is 'to protect the rights of individual employees in thier relations with labor organizations whose activities affect commerce.'[9] The act deals with the very conduct involved in this case by declaring in section 8 (b) (2) that it shall be an unfair labor practice for a labor organization to cause or attempt to cause an employer to discriminate in regard to hire or tenure of employment against an employee who has been denied union membership on some ground other than failure to tender periodic dues.[10] The evidence disclosed the probability of a section 8 (b) (2) unfair practice in the union's refusal to dispatch Gonzales from its hiring hall after his expulsion from membership and his inability thereafter to obtain employment. If a causal relation between the nondispatch and the refusal to hire is an essential element of section 8 (b) (2),[11] there was ample evidence to satisfy that requirement. A few months after Gonzales' expulsion, the union signed a multiemployer collective-bargaining agreement with a hiring-hall provision. One witness testified that there was no material difference between hiring procedures before and after the date of that agreement.[12] There were other indications to the same effect.[13] In any event, since the uncontested facts disclose the probability of a section 8 (b) (2) unfair labor practice, the existence of the same must for preemption purposes be assumed. As we said in *Weber* v. *Anheuser-Busch* (supra, at 478), "The point is rather that the Board, and not the State court, is empowered to pass upon such issues in the first instance.'

"Assuming that the union conduct involved constituted a section 8 (b) (2) unfair labor practice,[14] the existence of a conflict of remedies in this case cannot be denied. Section 10 (c) of the act empowers the Board to redress such conduct by requiring the responsible party to reimburse the worker for the pay he has lost. Relying upon the identical conduct on which the Board would premise its backpay award,[15] the State court has required of the union precisely what the Board would require: that Gonzales be made whole for his lost wages. Such a duplication and conflict of remedies is the very thing this Court condemned in Garner.

"The further recovery of $2,500 damages for 'mental suffering, humiliation and distress' serves to aggravate the evil. When Congress proscribed union-inspired job discriminations and provided for a recovery of lost wages by the injured party, it created all the relief it thought necessary to accomplish its purpose. Any additional redress under State law for the same conduct cannot avoid disturbing this delicate balance of rights and remedies. The right of action for emotional disturbance, like the punitive recovery the plaintiff sought unsuccessfully in this case, is a particularly unwelcome addition to the scheme of Federal remedies because of the random nature of any assessment of damages. Without a reliable gage to which to relate their verdict, a jury may fix an amount in response to those 'local procedures and attitudes toward labor controversies' from which the Garner case sought to isolate national labor regulation. The prospect of such recoveries will inevitably exercise a regulatory effect on labor relations.

"The State and Federal courts that have considered the permissibility of damage actions for the victims of job discrimination lend their weight to the foregoing conclusion. While most sustain the State's power to reinstate members wrongfully ousted from the union, they are unanimous in denying the State's power to award damages for the employer discriminations that result from nonmembership.[16]

"The legislative history and structure of the Federal act lend further support to a conclusion of preemption. While section 8 (b) (2) and the other provisions defining unfair labor practices on the part of labor organizations were first introduced in the Taft-Hartley Act, similar conduct by an employer had been an unfair labor practice under section 8 (a) (3) of the Wagner Act. Committee reports dealing with that provision leave no doubt that the Congress was prescribing a complete code of Federal labor regulation that did not contemplate actions in the State court for the same conduct.

" 'The Board is empowered, according to the procedure provided in section 10, to prevent any person from engaging in any unfair labor practice listed in section 8 "affecting commerce," as that term is defined in section 2 (7). This power is vested exclusively in the Board and is not to be affected by any other means of adjustment or prevention.

" 'The most frequent form of affirmative action required in cases of this type is specifically provided for, i. e., the reinstatement of employees with or without back pay, as the circumstances dictate. No private right of action is contemplated.' [17]

"There is nothing in the Taft-Hartley amendments that detracts in the slightest from this unequivocal declaration that private rights of action are not contemplated within the scheme of remedies Congress has chosen to prescribe in the regulation of labor relations.[18] It is consistent with every indi-

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[5] "In the Garner case, Congress had provided a Federal administrative remedy, supplemented by judicial procedure for its enforcement, with which the State injunctive procedure conflicted. * * * The care we took in the Garner case to demonstrate the existing conflict between State and Federal administrative remedies in that case was, itself, a recognition that if no conflict had existed, the State procedure would have survived."

And see *Guss* v. *Utah Labor Relations Board* (353 U. S. 1, 6): "The National Act expressly deals with the conduct charged to appellant which was the basis of the State tribunals' actions. Therefore, if the National Board had not declined jurisdiction, State action would have been precluded by our decision in *Garner* v. *Teamsters Union.*"

[6] 347 U. S., at 663.

[7] Speaking of the Laburnum case in *Weber* v. *Anheuser-Busch* (348 U. S. 468, 477), the Court stated that "this Court sustained the State judgment on the theory that there was no compensatory relief under the Federal act and no Federal administrative relief with which the State remedy conflicted."

[8] 353 U. S. 8, at 9.

[9] 29 U. S. C., sec. 141.

[10] 29 U. S. C., sec. 158 (b) (2).

[11] But cf., *International Union of Operating Engineers, Local No. 12* (113 N. L. R. B. 655, 662–663, enforcement granted, 237 F. 2d, 670).

[12] Reply Brief for Petitioner, p. 4; R. 73–74, 134.

[13] The State appellate court concluded that "employers of the type of labor provided by members of the organization only hire through the union hiring hall" (142 Cal. App. 2d, at 214; 298 P. 2d, at 97). The opening statement for Gonzales in the trial court declared that "every time he applies for a job, he is told to go to the hall to get a clearance" (R. 36). Gonzales' testimony on that subject was excluded as hearsay (R. 60–61).

[14] It is unnecessary to consider whether a sec. 8 (b) (1) (A) violation was also involved.

[15] The cause of action under State law arose when the union denied Gonzales the benefits of membership by refusing dispatch. Subsequent employer refusals to hire merely established the damages. With the unfair labor practice, on the other hand, employer refusal or failure to hire is an essential element of the wrongful conduct. In either case Gonzales is required to prove the same union and employer conduct to qualify for compensation.

[16] *Born* v. *Laube* (213 F. 2d 407, rehearing denied, 214 F. 2d 349); *McNish* v. *American Brass Co.* (139 Conn. 44, 89 A. 2d 566); *Morse* v. *Local Union No. 1058 Carpenters and Joiners* (78 Idaho 405, 304 P. 2d 1097); *Sterling* v. *Local 438, Liberty Assn. of Steam and Power Pipe Fitters* (207 Md. 132, 113 A. 2d 389); *Real* v. *Curran* (285 App. Div. 552, 138 N. Y. S. 2d 809); *Mahoney* v. *Sailors Union of the Pacific* (45 Wn. 2d 453, 275 P. 2d 440).

[17] H. Rept. No. 1147 on S. 1958, 74th Cong., 1st sess., 23–24; H. Rept. No. 972 on S. 1958, 74th Cong., 1st sess., 21; H. Rept. No. 969 on H. R. 7978, 74th Cong., 1st sess., 21.

[18] The new act deleted the provision in sec. 10 (a) that the Board's power to pre-

cation of legislative intent. As the act originally passed the House, section 12 created a private right of action in favor of persons injured by certain unfair labor practices.[19] The Senate rejected that approach, and the section was deleted by the conference.

"Special considerations prompted adoption of a Senate amendment creating an action for damages sustained from one unfair labor practice, the secondary boycott.[20]

"Aside from the obvious argument that the express inclusion of one private action in the scheme of remedies provided by the act indicates that Congress did not contemplate others, the content of section 301 furnishes another distinguishing feature. The right of action is Federal in origin, assuring the uniformity of substantive law so essential to matters having an impact on national labor regulation.[21] The right of action that the majority sanctions here, on the other hand, is a creature of State law and may be expected to vary in content and effect according to the locality in which it is asserted. Free to operate as what Senator Taft characterized 'a tremendous deterrent' [22] to the unfair labor practice for which it gives compensation, this damage recovery constitutes a State-created and State-administered addition to the structure of national labor regulation that cannot claim even the virtue of uniformity.

"Since the majority's decision on the permissibility of a State-court damage award is at war with the policies of the Federal act and contrary to the decisions of this Court, it is not surprising that the bulk of its opinion is concerned with the comforting irrelevancy of the State's conceded power to reinstate the wrongfully expelled. But it will not do to assert that the 'possibility of conflict with Federal policy' is as 'remote' in the case of damages as with reinstatement. As we have seen, the Board has no power to order the restoration of union membership rights, while its power to require the payment of back pay is well recognized and often exercised. If a State court may duplicate the latter relief, and award exemplary or pain and suffering damages as well, employees will be deterred from resorting to the curative machinery of the Federal act. The majority apparently blinks at that result in order that the State court may 'fill out its remedy.' To avoid 'mutilat[ing]' the State equity court's conventional powers of relief, the majority reaches a decision that will frustrate the remedial pattern of the Federal Act. How different that is from *Guss* v. *Utah Labor Relations Board*, supra, where the remedial authority of a State was denied in its entirety because Congress had 'expressed its judgment in favor of uniformity.'

"The majority draws satisfaction from the fact that this was a suit for breach of contract, not an attempt to regulate or remedy union conduct designed to bring about an employer discrimination. But the presence or absence of preemption is a consequence of the effect of State action on the aims of Federal legislation, not a game that is played with labels or an exercise in artful pleading. In a preemption case decided upon what now seem to be discarded principles,[23] the author of today's majority opinion declared: 'Controlling and therefore superseding Federal power cannot be curtailed by the State even though the ground of intervention be different than that on which Federal supremacy has been exercised.' *Weber* v. *Anheuser-Busch* (*supra*, at 480). I would adhere to the view of preemption expressed by that case and by *Garner* v. *Teamsters C. &. H. Local Union*, *supra*, and reverse the judgment below."

vent unfair labor practices was "exclusive," but the committee report made abundantly clear that the deletion was only made to avoid conflict with the new provisions authorizing a federal-court injunction against unfair labor practices (sections 10 (j) and (1), 29 U. S. C. sec. 160 (j) and (l), and the provision making unions suable in the Federal courts (sec. 301, 29 U. S. C. sec. 185). H. Conference Rept. No. 510, on H. R. 3020, 80th Cong., 1st sess., 52. *Amazon Cotton Mill Co.* v. *Textile Workers Union* (167 F. 2d 183.

[19] H. R. 3020, 80th Cong., 1st sess.; H. Rept. No. 245 on H. R. 3020, 80th Cong., 1st sess., 43–44.

[20] Sec. 303, Labor Management Relations Act of 1947 (29 U. S. C. sec. 187). An examination of the committee reports and debates concerning this provision reveals that the additional relief was a product of Congressional concern that, for this type of conduct, the Board's ordinary cease-and-desist order was "a weak and uncertain remedy." Corrective action was entirely in the discretion of the Board, and the delay involved in setting its processes in motion could work a great hardship on the victims of the boycott. S. Rept. No. 105 on S. 1126, supplemental views, 80th Cong., 1st sess., 54–55; 93 CONGRESSIONAL RECORD 5038–5040. The Senate rejected a proposal for injunctive relief in the State courts (93 CONGRESSIONAL RECORD 5049), but created this Federal right of action for damages. Senator Taft, the author of the amendment, voiced its two objectives: it would effect restitution for the injured parties (93 CONGRESSIONAL RECORD 5046, 5060), and "the threat of a suit for damages is a tremendous deterrent to the institution of secondary boycotts and jurisdictional strikes" (93 CONGRESSIONAL RECORD 5060).

[21] "By this provision [sec. 303], the act assures uniformity, otherwise lacking in rights of recovery in the State courts" (*United Constr. Workers* v. *Laburnum Constr. Corp.* (347 U. S. 656, 665–666)).

[22] 93 CONGRESSIONAL RECORD 5060.

[23] Compare the characterization of the Laburnum case in *Weber* v. *Anheuser-Busch*, *supra*, with the proportions that case has assumed in today's decision. Then: "*United Constr. Workers* v. *Laburnum Constr. Corp.* (347 U. S. 656) was an action for damages based on violent conduct, which the State court found to be a common-law tort. While assuming that an unfair labor practice under the Taft-Hartley Act was involved, this Court sustained the State judgment on the theory that there was no compensatory relief under the Federal act and no Federal administrative relief with which the State remedy conflicted" (348 U. S., at 477). Now: "If, as we held in the Laburnum case, certain State causes of action sounding in tort are not displaced simply because there may be an argumentative coincidence in the fact adducible in the tort action and a plausible proceeding before the National Labor Relations Board, a State remedy for breach of contract also ought not be displaced by such evidentiary coincidence when the possibility of conflict with Federal policy is similarly remote."

THE COMMUNITY FACILITIES ACT OF 1958

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HIESTAND] is recognized for 30 minutes.

Mr. HIESTAND. Mr. Speaker, the Community Facilities Act of 1958 is another in a long line of so-called anti-recessionary measures introduced in this Congress. It offers boundless opportunity for taxing and taxing, spending and spending, and thus is a joy to the hearts of big government promoters of New Deal and Fair Deal vintage. By the same token, it is an insult to the intelligence of those of us who advocate fiscal responsibility in Government.

The bill would provide $2,000 million Federal funds for the purchase of bonds or for loan to city and local governments, for use in construction of public works and public facilities.

The money is to be put up, "at the request of the municipality or other political subdivision," when it is not otherwise available on equally favorable terms. Under the interest rate formula written into the law, it is hardly likely that funds would ever be available "on equally favorable terms." Therefore, if this law is passed, we can anticipate the shifting of this type of financing from private investment channels, in which money is now plentiful, to the Federal bureaucracy, operating deep in the red. There is no State or community which is not more sound, financially, than your Federal Government.

In addition, the Federal Government is borrowing money eevry day at interest rates higher than would be charged under this act. When money is loaned out by the Government at less than its borrowing rate, the citizens of your district pay the difference.

On the record, the municipal financing phase of our free enterprise system is working well. It is a bright spot in the present economic picture. Clearly, Federal intervention on the massive, broad scale proposed in this bill, is not justified.

In fact, I cannot see that the substitution of Federal for private financing would in itself create any new jobs at any time.

Aside from the financial aspects of this scheme, which are irresponsible, it is another nail in the coffin of free enterprise.

Philosophers have long since discovered that when you put up the money for something, you just automatically have (and we are responsible to have) a big say-so on how it's spent. And, pretty soon, it gets to be like owning what it is spent for. In this case, "what it is spent for" can include repair, construction and improvement of parking lots, hospitals, health centers, police and fire protection, sidewalks, parkways, highways, bridges, parks, recreational facilities, refuse and garbage disposal facilities, sewage, water, and sanitary facilities. Sandwiched in the midst of all this, you will find the neat little phrase "and other public facilities," namely, schools, offices, timber conservation, and public utilities, without regard to existing or competing facilities. Thus, nothing is really excluded. It is not exclusive.

Backers of the community facilities bill claim as its primary purpose, "to stimulate our lagging economy." This is panic-button politics at its worst. As an anti-recessionary measure, if one is to concede there is a recession, it is a dud.

The unemployment problem is not in the construction industry. Seasonally adjusted figures compiled by the Department of Commerce show nonresidential building to be off less than 1 percent, while public works construction has actually increased. No new employment could result from this act for at least 18 months, if ever, and then not in the areas

of unemployment. Presently shrinking unemployment very probably will have disappeared a year and half from now. We almost surely will be fighting inflation and increased cost-of-living harder than ever.

Finally, the way this bill is written, it would encourage municipal projects of a marginal character by giving priority to jobs which could not easily be financed through regular investment channels. This puts a premium on poor projects. It is a wide open invitation to pork-barrel politics on the part of local government officials. Even now, the very existence of the Community Facilities Act of 1958, as a proposal, has caused communities throughout the country to defer their projects, in anticipation of a Federal handout at a later date.

Mr. Speaker, to go into some of the details we might dwell briefly upon this as an alleged antirecessionary motive. We have said it is ineffective for 18 months to 2 years and that it is for construction only, in which there is virtually no unemployment. Added to that, major projects such as are proposed may be located in all other areas than where unemployment is the rule.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from California.

Mr. HOSMER. Possibly the unemployment aspects of the bill have to do with hiring thousands of bureaucrats to administer it if it is passed. Has that been considered?

Mr. HIESTAND. I thank the gentleman. I had not considered it, but I think the gentleman has made a valuable contribution. I do not know that we need to go into that in detail, but the very fact that these large public projects can have very little effect on the present unemployment is due to the fact that construction cannot possibly be started for 18 months or more.

We have said also that this is unnecessary and unwarranted Federal spending. I have a little memorandum of some of the investments that have been successful in the last several years. For the past 5 years more than $30 billion worth of new State and municipal bonds have been sold in the private investment market; $6.9 billion of financing in 1957 came within one-tenth of 1 percent of setting a new alltime record. There are plenty of private funds available. In the first 4 months of 1958 sales of new State and municipal bonds in the private investment market totaled $2.9 billion. This is a new alltime high for such sales in the first 4 months of any year and represents a 17½ percent gain over the first 4 months of 1957.

Mr. VURSELL. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from Illinois.

Mr. VURSELL. Is it not a fact that if this $2-billion boondoggling loan is finally passed by this House and this Congress it will have the effect of absolutely driving out ready capital, private capital; driving it out and substituting Federal capital, with more concentration of power and more socialism in our economic structure?

Mr. HIESTAND. The gentleman has put his finger on the most important part of this whole thing.

Mr. VURSELL. Now, is it not further a fact that the debt limit at present is about $280 billion and the debt is about $276 billion? There is a cushion of about $4 billion, and we know that the Secretary of the Treasury has been calling for elbowroom of at least $4 billion coverage. And yet this committee of which the gentleman is a member will consider adding $2 billion of funds, which they do not have, which they would have to borrow from the public, to get which they would have to sell bonds to the public, which would force another increase in the national debt.

Mr. HIESTAND. I thank the gentleman. I think every Member should realize that he is going to be asked to raise the debt limit at this session, and he should have that in mind every time he votes for such tremendous and unjustified expenditures as this one.

I quote from a letter from a chamber of commerce:

> We view with real concern any general program which, through the lure of Federal financing, influences local governments to go to Washington for money to finance local public works, thus bypassing local citizen control through the submission of capital improvement programs to the electorate. Should such a large loan fund be established as is proposed, local governments will be quick to run to the Central Government for financial aid rather than to take the hard course of justifying local improvements to the people. Moreover, as hard pressed as are our State and local governments for revenue, they are still in a much more solvent condition than is the debt-ridden Federal Government.
>
> We believe in the traditional principle, borne of long experience, that those who decide on expenditure policies should bear the political responsibility for raising the necessary funds. More than dollars alone are involved in a massive loan program such as is proposed—with all the extravagance that it would encourage. These "costs" include the weakening of local government and the surrender of local determination upon which sound finance is based, together with an erosion of a sense of responsibility for local problems, all of which reduces the opportunity for citizens to govern themselves.

Mind you, Mr. Speaker, this comes from a chamber of commerce, and we know that chambers of commerce have been notable in the past for asking for projects. They are now changing, they are coming to their senses. I certainly appreciate that attitude.

There are no more jobs with financed public funds than now—privately financed at the local level.

As the gentleman from Illinois would say, this bill would force financing from private to Federal funds; that is it in a nutshell.

Then there is this question of a 50-year wide-open limit, together with a moratorium, which is granted either for the first 2 years or the last 2 years at the borrower's request. That is, the lender does not have anything to say about it. The borrower decides whether there will be a moratorium extending it to 52 years. That is hardly sound financing.

Another part of the measure states that $400 million of this fund shall be a revolving fund. Mr. Speaker, just how much can a 50-year loan, taken up to the limit, revolve and turn its funds back into the Federal Treasury for other loaning? I suggest, Mr. Chairman, that this is unsound in every way.

Mr. VURSELL. Mr. Speaker, will the gentleman yield further?

Mr. HIESTAND. I am happy to yield.

Mr. VURSELL. Is it not a fact that those who would have to administer this act, if it is passed, have testified before the committee that they do not need this money; that they have a facility loan program; that it is taking care of the needs of the small communities of the country and doing a very good job; that they are entirely satisfied? And the Housing Administration, Mr. Cole, and others, are now in a position where the Congress proposed to force another $2 billion of spending money on them, that they are going to have to go out and borrow? And is it not a further fact that while there may be some cases made out for small facility loans, this is going to put the country in a position where the big cities, the medium-size cities, and everyone else, will come in and take up the money for which there might be some need under the present facility loan program that is being operated in the interest of small communities which need such improvements as waterworks, sewerage, and so forth?

Mr. HIESTAND. The gentleman is essentially correct. It is a fact that there is no limit to any given project under this bill. The only limitation is a maximum of 10 percent for any one State. There is no limit to any project. Where is the attention and the care that is presently being exhibited by the public facilities division of the Housing and Home Finance Corporation for small projects? Where is that going to go? It is obvious it is going to go down the drain in behalf of the big ones.

I have not dwelt enough on this matter of the 25 specific public facilities. I listed them, but it excludes none. It has no regard for existing facilities. Competition with utility companies or publicly owned utilities can be included. Public housing is not excluded. Loans to public housing are perfectly eligible. Whereas the committee stated that school construction was not specifically included, it is not excluded, and that is important.

I have here a wire from the Port Authority at New York City which I quote in part:

> This bill if enacted would authorize Federal financing in totally new field, viz., marine terminals, and would authorize such financing over terms up to 52 years and at very low interest rates, without regard to the competitive impact on such new facilities on already existing installations which were constructed with capital funds heretofore obtained at prevailing interest rates for operation on a self-sustaining basis.

When a public authority of that kind would take a position opposed to such a bill, it must be very, very bad.

Mr. VURSELL. If the gentleman will yield further, can he think of anything that is less needed, and more inflationary than this proposed $2 billion loan?

Mr. HIESTAND. I think that is a very, very important question. What is there less needed and more inflationary?

Mr. McVEY. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from Illinois.

Mr. McVEY. The gentleman has given many objections to the public facilities bill. I think one of the most important is the fact that we raise the debt limit by $2 billion. There are many other objections, I know. But when we raise our debt limit by $2 billion we are encouraging inflation. Inflation has a great deal to do with the fall of the dollar. Is it not true that in the course of time we will do more damage in that respect than the good we will do in the matter of loaning money for public facilities?

Mr. HIESTAND. I thank the gentleman. He is essentially correct.

There is an added thought right along that line. In 50 years, how much is the dollar going to be worth as compared with today's dollar? In the last 25 years it has shrunk 50 percent. How are we going to attempt to get the purchasing power back as these loans of that length are being paid? It is a very thought-provoking question.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from Ohio.

Mr. HENDERSON. Is it not true that there are abundant private funds for the purposes set forth in this bill?

Mr. HIESTAND. Absolutely. Just under $3 billion of private funds were available in the first 4 months of this year, and there is plenty of money now available for such purpose for any sound loan.

Mr. VURSELL. If the gentleman will yield further, the private funds are at a low interest rate and are very accessible now and abundant. Is that not correct?

Mr. HIESTAND. That is correct.

Mr. NEAL. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from West Virginia, Dr. NEAL.

Mr. NEAL. Does not the gentleman feel that over the years since the Congress has authorized projects of this kind, similar to it, though perhaps not in the same degree, these projects have accumulated to the point now where, with the interest on the public debt and such things as the expense of keeping up the veterans' obligations, they amount to approximately $20 billion?

Mr. HIESTAND. That is right.

Mr. NEAL. In other words, little by little we have added that much to the basic amount of money which the Committee on Ways and Means must first take into consideration before they attempt to set any sort of budget or to fix any sort of tax rates. Of course, projects of this kind not only this year, but year after year, accumulate from time to time and after a while there is no telling where the annual mandatory expenses of the Government will reach. I understand that this $20 billion of mandatory expenses that we are now faced with is, perhaps, at least 20 times as much as was spent during the 4 years of the presidency of President William Howard Taft. It seems to me, if we look upon measures of this kind in that light and realize what it is leading us to in the way of financial involvement, any sensible man and any sensible Member of Congress must realize after all that if we are not here to represent fundamental concepts of Government, we had better forget it all because when we adopt and approve such measures as this one, it seems to me we are losing all sense of financial responsibility.

Mr. HIESTAND. I thank the gentleman very much. He has well expressed a very important point. One other very important point, however, that I have not had a chance to touch upon. Mainly, this is an authorization to expend from the public debt receipts. Very important is the provision that this $2 billion is authorized as a direct drain on the Treasury without subsequent Congressional appropriations. It now looks as if the current year's deficit will approximate $3 billion, and the Congress has voted enough other projects to make next year's deficit approximately $10 billion. Here we would add another $2 billion without Congressional appropriations. This whole subject of voting away our constitutional control of expenditures is getting more and more serious. I find that up to last year the Congress has authorized drafts from the Treasury of over $143 billion prior to this fiscal year authorizing agencies and departments to draw from the Treasury without specific Congressional appropriations. They are in the shape of loans supposedly, but you and I know what happens to some of these long, drawn-out loans. Here we are again completely losing control in voting away Congressional responsibility which is clearly ours under the Constitution. Incidentally, this bill was passed by the Senate before authorization by the House in which all money bills must legally originate.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield.

Mr. HENDERSON. Mr. Speaker, would the gentleman explain to the membership just how it is possible to bypass the Congress so that authorization for expenditures is not necessary? I think that is highly significant.

Mr. HIESTAND. I thank the gentleman for his request. The procedure to authorize loans or authorize funded expenditures other than direct expense appropriations, once those are authorized, they do not need to go through the Committee on Appropriations. That has been going on for a number of years. But, in recent years it has taken on a frightening aspect. That total of $143 billion can be documented. In addition to that, we started the year with authorized drawing power on the Treasury without appropriations of over $19 billion.

As of May 31, 1958, there were unused authorizations of nearly $26 billion which can be drawn right out of the Treasury without appropriation.

Mr. McDONOUGH. Mr Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from California.

Mr. McDONOUGH. Mr. Speaker, I want to compliment the gentleman for his observations on these very vital fiscal responsibilities of the Nation. He has been, I would say, as close a student of this particular question as any Member of the House. I know personally of the hours of time he has spent in making a study of the fiscal responsibilities that we are assuming without much thought as to what effect it will have on the future economy of the country.

My colleague from California has the background of previous business experience that stands him in good stead in discussing a matter of this kind, and he has had the response from the people of his district for his observation of these things that I think are very vital.

But one particular problem that is coming to Congress soon out of the Committee on Banking and Currency is this additional $2 billion for community facilities providing for 50-year loans amounting to some $2 billion. Of course, there is the feeling that this money will be repaid with interest, but it is very possible that as much as a billion dollars of that money can be outstanding and the interest on it lagging. But it is said that there is authority on the part of the Federal Government to go into a State, a county, or a city and tell them they have to pay their debt. I do not know of any example in the past where we have ever exercised that kind of authority with States, cities, or counties. This is a matter the gentleman has discussed, and I want to compliment him for the fine exposition of these things he has made.

Mr. HIESTAND. I thank the gentleman most sincerely. He is doing an able job representing his district and the country as a whole. I appreciate his kind references.

In response to his final suggestion I think we may all agree that quite contrary to the idea of the Federal Government cracking down on an overdue loan to governmental entities, it has been the custom for many years to forgive a loan that is in default to a community that is in difficulty.

Now, as to this fiscal responsibility, on June 3, the Treasury offered a $1 billion new money issue of 27-year bonds bearing a 3¼ percent interest coupon. One day later this bill was reported with a loan interest rate formula under which Federal funds would be used to buy $2 billion of 50-year municipal bonds with an interest rate at present of only 2⅝ percent. That loan rate is too low. If costs of administration are added to the loss resulting from the differential between borrowing and lending rates it is apparent the Federal Government would be losing about 1 percent per year on every long-term dollar borrowed and reloaned under the program. No municipality would conduct its own financial affairs on such an unsound basis and no municipality should expect the Federal Government to do so.

Remember, we are going to have to raise the Federal debt limit, and bills like this are part of the reason why.

Can Members face their constituents on this very, very important matter?

Now, then, there is this other thought. When you look at the amount involved it is stated at $2 billion. Can we conceivably cut off at that amount when it is used up? Has it not been the history of this House over the years, and especially this particular year, that we would grant increases whenever it is needed?

What is the limit? Can we discriminate against municipalities that are late in applying? This, then, opens the door of the Treasury and wedges it open for keeps. Once started, we shall never be able to close it.

A further question is whether these are actually loans or handouts since we have established something of a precedent of forgiving debts. If this bill is passed we are going to have hundreds and hundreds of handouts from the United States Treasury. We are likely to have pressure turned on to write off these obligations. What would each Member of this House do if several communities in his own district got behind any such movement?

Mr. Speaker, this, in my judgment, is the worst measure offered so far this year, and it should be defeated.

INFORMATION ABOUT THE FLAG OF THE UNITED STATES IN RELATION TO ADMITTING ALASKA AS THE 49TH STATE

The SPEAKER pro tempore (Mrs. BLITCH). Under previous order of the House, the gentleman from Washington [Mr. PELLY] is recognized for 10 minutes.

Mr. PELLY. Mr. Speaker, in order to provide my constituents with accurate details regarding the flag of the United States and the proper procedure to be followed in line with the admission of a new State, I have consulted with the Legislative Reference Service of the Library of Congress and likewise with the Office of the Quartermaster General of the Army.

Now that President Eisenhower has signed into law the enabling legislation to admit Alaska into the Union, it is essential to give the public authentic information and, accordingly, I quote Public Law 829, chapter 806, section 4 (j), 77th Congress, 2d session, December 22, 1942, as to the disposition of old American flags:

> The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

Mr. Speaker, the Library of Congress informs me that many people have asked what they should do with their old 48-star flags when Alaska becomes a State and is admitted to the Union. The answer is quite simple: They may retain their 48-star flags and fly them at will. It is permissible to fly a flag with 13 stars, provided that flag was once the recognized flag of our Nation. Executive Order 2390 of May 29, 1916, stipulated that—

> All national flags and union jacks now on hand or for which contracts have been awarded shall be continued in use until unserviceable, but all those manufactured or purchased for Government use after the date of this order shall conform strictly to the dimensions and proportions herein prescribed.

This applied only to flags used by the executive departments.

The Office of the Quartermaster General of the Department of the Army is responsible for the design of the flag of the United States, and not since April 4, 1818, has Congress taken any action toward the design of the flag of the United States.

Actually, I am told there is no legally appointed authority to redesign the flag. The Office of the Quartermaster General of the Army has a Heraldic Branch which designs medals, placques, flags, and so forth, for the Army. Since this is the largest heraldic office in Government, the various recommendations of the public in regard to redesigning the flag—letters and drawings, and so forth—have been turned over to the Quartermaster's Office to be kept on file until the Congress or the President names an agency or group to redesign the flag.

Redesigning the flag will require action either by Congress or the White House to decide how it will be done. Records indicate the last time it was done was by a board headed by Admiral Dewey in 1912 when Arizona and New Mexico were admitted. The Board reported through the Secretary of the Navy and the Secretary of War to the White House. There is no record of how the Board was named, but since it reported to the White House it is assumed that the Board was named by the President.

There is no indication at the present time how the agency or group to redesign the flag will be named. However, in the public interest and to assist the business establishments who manufacture and distribute and otherwise deal in United States flags, it is desirable that a new design be promptly approved and in this connection I have written President Eisenhower urging that forthwith and with all due speed he name a nonsalaried board of patriotic public citizens to redesign our flag. At this late date in the session, I do not think it wise for Congress to undertake this responsibility which according to precedent since 1818 has become an Executive function.

Mr. Speaker, it occurs to me that it would be appropriate if both former President Hoover and President Truman were members of such a board and also various veterans and patriotic societies should be represented.

TALK ABOUT INFLUENCE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. WESTLAND] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WESTLAND. Mr. Speaker, recently there has been a lot of talk about influencing some of the branches of our Government. I would like to say right here and now that I have been doing my best to influence one of our agencies on behalf of some constituents of mine.

The Bureau I have been trying to influence is the Internal Revenue Service and the constituents are a group known as the Northwest Memorial Hospital Association.

This association was formed in 1950 by a group of civic-minded citizens for the purpose of constructing a charitable or nonprofit hospital in an area of north Seattle presently located in my district. These people personally pledged themselves and bought a piece of property in the north section of Seattle consisting of 35 acres for $35,000. Due to the rapid expansion of Seattle and consequent increases in real-estate values, this property is now worth in the neighborhood of $176,600 and was actually professionally appraised in April for this amount. This group then tried soliciting for funds to build the hospital estimated to cost $2,452,000, part of the cost to be financed by Hill-Burton funds. However, this attempt failed, and realizing the enormity of the task, they sought other methods by which they could raise these funds. Since the American Legion in Seattle, Wash., and the Bremerton General Hospital had successfully used a national crossword puzzle contest, it was decided to try this method. Again, these people personally guaranteed the funds necessary to start this contest. Three attempts were made and the end result was the realization of $650,000. Now with the land, valued at $176,000, and $725,909.73 in cash and pledges, they felt that they were finally in a position to build the hospital with the help of Hill-Burton funds.

Now I am advised that Hill-Burton funds in the amount of $465,000 have been allocated by the State director for this worthy project. Now you would think that everything was O. K. and a greatly needed hospital would finally be built.

But, oh, no—you know what? Now comes the IRS and says, "You owe me $300,000 out of that $650,000 you received from the crossword-puzzle contest." Why? Because it was an unrelated business and therefore subject to 52 percent tax. Profit motive? No. Any of these people get any money out of it. No. But it was unrelated.

Now it seems to me to be apparent that before you can build a nonprofit charitable hospital, you have first got to have some money—so go out and try to raise it. No hiding what it is for or anything like that—on the contrary, it is out front for all to see.

But you know what they say? It is unrelated.

Further, they say if you had built half the hospital and run out of funds, then it would be O. K. How about if you had just dug the basement and then run out of money? This association of people had cleared the land in preparation for the hospital, had plans and specs drawn, had studied hospitals in other locations in order to get the best plans. It is unrelated.

Well, just let me say this. In my opinion, it is completely unrelated for one

agency of the Federal Government to take away with one hand, and on the other hand for the same specific purpose to give.

Influence? I wish I had more, for if I did I would use it to correct what I believe is wrong.

SHALL WE CUT THE FARMERS' INCOME IN HALF?

Mr. JOHNSON. 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 Wisconsin?

There was no objection.

Mr. JOHNSON. Mr. Speaker, I was disappointed last week when this House refused to take time to debate, consider, and pass on a proposal of our Committee on Agriculture that would have improved the existing farm program in many significant respects. I know our action was taken in the shadow of the Presidential veto earlier this year and under the threat of a veto of the proposal that was up for consideration last week.

To accept defeat of our efforts to improve the farm program is disappointing enough. But now a real threat to the future of the family farm has come to life in the other branch of the Congress.

Because I feel this development may have escaped the attention of my colleagues in the House, I wish to urge their study of the deeper long-term implications of the price support bill that has been reported to the Senate. This bill contains the most conservative and backward-looking proposals relating to farm income protection of any advanced in the Congress in more than 30 years. I am convinced that if they are put into effect, farm incomes will be cut in half. Shall we cut the farmer's income in half? That is the question I hope you will keep in mind as you consider the rest of my remarks.

The Senate Agriculture Committee bill proposes to turn back the clock to the time when the Federal Government was completely callous to the economic distress of farmers that results from their lack of bargaining power in the market. The Senate bill contains proposals that if placed into effect would turn farmers back to the same economic conditions that lead to the great depression of 1930 to 1932. To enact the bill now before the Senate would be the same treatment for farmers as if this Congress repealed the minimum wage law and the protections of collective bargaining the labor relations acts would be for labor. To return farmers to the completely free market, as the long range provisions of the Senate bill do, would be like repealing the limited liability law protecting corporations.

The new bill abandons the entire concept of parity on which our farm programs have been based for nearly 30 years. Instead of parity as the measuring stick of fair farm prices, the proposal before the Senate establishes 10 percent below the market price as the support level for cotton, rice, corn, and other feed grains. To add insult to injury, the proposal is worded in slick Madison Avenue terms of supports at 90 percent of the average market price for the preceding 3 years instead of more honestly stating supports would be at 10 percent less than the 3-year average market price. By such devious means do they seek to trap the support of the unwary friend of the farmer who legitimately endorses 90 percent of parity as a worthwhile goal and fails to note this is 90 percent not of parity, but of the average market price for the preceding 3 years.

Beginning in 1959 this cutrate standard would be applied to corn and the feed grains, and application of the standard to rice and cotton would be delayed for only 2 years.

When asked reasons for this delay, the proponents of this proposal told our House Agriculture Committee that rice and cotton producers are not yet ready to accept the free-market support level. But with 2 years of additional education and propaganda, they could probably be brought to accept supports based upon a standard 10 percent below the average market price in the preceding 3 years, we were told.

As important as are the price support cuts included in the bill before the Senate, even more important is the fact that the bill makes a complete reverse in the fundamental principles of the farm program.

The Senate bill does not contain any provisions for the dairy program. Maybe we are fortunate that it does not, if the major purpose of the bill is to weaken and largely destroy the fundamental basis for the program.

However, even though the backward proposals embodied in the bill are not applied to milk and dairy products, we can be sure if this proposal is adopted for such important commodities as cotton, corn, and rice that sooner or later it will become economically and politically impossible not to apply the same reactionary program to milk and dairy products.

Application of the Senate bill formula to manufacturing milk and butterfat, that is supports at 10 percent below the average market prices of the previous 3 years, would mean that the price supports and market prices of manufacturing milk and butterfat would be allowed to drop rather sharply over the next few years to the free market clearing level. Farmers would be prevented from using marketing quotas or any other self-help machinery to bring market supplies into reasonable balance with demand. The Senate bill abolishes the corn supply management completely and seriously weakens the programs for both rice and cotton.

Applying these same principles to manufacturing milk and butterfat, as they sooner or later would be applied, would mean that the price of butterfat would be allowed by the Federal Government through its price support program to drop to the oleomargarine price. The support level would float down 10 percent from the moving average market price each year until it rested 10 percent below the wholesale market price of oleomargarine. This would be a drop from current supports of 56.8 cents per pound to not more than 18 cents per pound. Similarly the price of milk used for manufacturing in the United States would drop to a level at which United States dairy products would sell in European markets at a lower price than dairy products from other exporting countries minus the freight charge required to get our products to Europe.

Mr. Speaker, I do not mean to be an alarmist, I have not publicly attacked the 10 percent below market support theory as long as it was not being seriously considered by responsible groups in the Congress. But now that this ultra-conservative proposal has been given the stature of approval for major commodities by the Senate Committee on Agriculture, I feel that I can no longer be silent. I feel that I have a responsibility to my colleagues in the House and to the dairy farmers in my District and State to alert them to the long-term implications involved in the Senate bill. I hope, of course, that the bill will be amended and improved on the Senate floor. I hope the Senate refuses to follow this backward movement to put farmers on the unprotected free market. I am hoping the House will not be called upon to take action on this bill.

As attractive as temporary increases in rice, cotton, and corn acreages may seem in the shadow and threat of a veto, we should not be led to take action which would in significant ways completely destroy all basic vestiges of the Federal farm income protection programs.

The Federal farm program over the past 4 years, as grievously as it has been weakened by the administration, still accounted for 44 percent of total national farm family operating net income in 1955. If these programs are destroyed by eliminating their parity base and return to the unprotected free market, we can expect a national average farm family income below $1,200 per year instead of the $2,400 per year under existing programs. We should be moving toward enabling farmers to earn and receive incomes something closer to the national average non-farm income of nearly $6,000 per year per family. Certainly we should not act consciously to approve legislation with built-in economic and political time bombs that will further reduce farm income by 50 percent.

UNITED STATES NAVY'S BARRIER WARNING SYSTEM

Mr. HOSMER. 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. HOSMER. Mr. Speaker, from Alaska far out into the Pacific Ocean and from Newfoundland more than a 1,000 miles out into the Atlantic stretch a pair of imaginary lines never shown on any commercial map, but nevertheless as realistic as today's H-bombs. Termed the Pacific Barrier and the Atlantic Barrier, respectively, these two lines serve as mammoth radar screens

with just one objective: to prevent a surprise attack on the coastal cities of North America.

They are patrolled constantly by the Navy's huge, radar-equipped Super Constellation aircraft and its versatile radar picket ships. Together with the Air Force's Distant Early Warning Line, the two oceanic radar barriers complete a protective detection shield that circles from islands in the mid-Pacific across the northern perimeter of Canada and down to the general vicinity of the Azores Islands in the Atlantic.

The mere presence of this endless marathon of vigilance acts as a deterrent against hostile forces by eliminating from any planned attack the element of surprise. Furthermore, unlike the fixed DEW line, the two oceanic barriers, manned by mobile units, can be moved at any time in any direction to keep a potential agressor guessing as to their whereabouts.

The sailors who fly the aircraft and sail the picket ships maintaining this network of radar, scanning constantly the air and sealanes of the two greatest oceans on earth are among the most extensively trained men in the United States Navy. The undisclosed number of planes and ships which continually patrol these two radar webs contain some of the most complex electronics apparatus designed to date.

Commanding the Atlantic extension of the barrier from headquarters at the United States Naval Station, Argentia, Newfoundland, is a friendly, capable 46-year-old Paterson, N. J., naval officer, Capt. Paul Masterton, United States Navy. Masterton's mobile seaborne and airborne radar network stretches from Newfoundland far southeast toward the Azores Islands. His aircraft have been on patrol in the air, and his ships have been on station at sea constantly for over 2 years. Nothing but the worst of arctic weather moves them even for a moment from strict and carefully calculated schedules.

Typical of the dedicated officers and men who carry out the difficult work of Masterton's Airborne Early Warning Wing is Capt. Robert C. Lefever, United States Navy, commanding officer of Airborne Early Warning Squadron 11, at Argentia. A Whittier, Calif. native, Lefever has worn the gold wings of a naval aviator almost 20 years. A 1937 graduate of the University of Southern California and former All-American football player, Captain Lefever's job now is the prevention of another such surprise attack upon America as he experienced at Pearl Harbor, December 7, 1941.

His squadron, as do all others in the difficult airborne early warning business, flies Radar Super Constellation, or WV–2s in Navy terminology, each containing a labyrinth of electronics gear weighing more than 6 tons. Even in sub-zero winter temperatures, the WV–2's cabin must be air-conditioned to offset the heating effect of all the electronics equipment it contains.

From the antennas on these planes the searching radar beams probe outward to sweep 45,000 square miles every revolution.

When a "bogey," or unidentified flying object, shows up on the radar scopes inside the aircraft's Combat Information Center, it is rapidly evaluated and plotted. The trained technicians at the radar consoles quickly calculate the bogey's speed, altitude, bearing, and exact position.

This data is then immediately relayed to one of the pair of operational control centers on each coast. In the Pacific these centers are located at Hawaii and Adak, Alaska; in the Atlantic, at Norfolk, Va., and Argentia, Newfoundland, which is the western anchor of the Atlantic barrier.

There in these nerve centers the information is compared with flight plans and position reports of friendly aircraft known to be crossing the barriers. If the radar contact cannot be identified by the operational control centers, then the Nation's defense system is promptly alerted.

The entire chain of action, from first contact with a bogey to the possible alerting of NORAD interceptor forces, requires only a handful of minutes.

In addition to the latest radar equipment, both the planes and the ships are furnished with complex electronics countermeasures apparatus, more commonly referred to as ECM. These ECM instruments can detect radar and other electronic signals and even locate the source of the signals. But beyond that basic description of ECM operations, the Navy is keeping silent for security reasons.

Flying with the WV–2's crew on each roundtrip over the barriers are a pair of highly trained electronics maintenance technicians who can accomplish in flight more than 60 percent of all radar repair work required. From the cabin they have access to both the 7½-foot radar fin protruding above the long, bony Super Constellation fuselage and the pot-bellied radar dome hanging below it.

In the cockpit of the 70-ton WV–2 the pilot is also equipped to combat almost any mechanical emergency. For instance, the flight engineer who serves as his right-hand man could determine for him within seconds which one of the 144 spark plugs in the 4 engines was misfiring, if such would be the case.

To keep its radar sentries in the sky, the barrier patrol has achieved the unique position of being practically the only air operation in the world that flies regardless of weather conditions. In Newfoundland winds can and do reach 100 knots. Snow may reduce visibility to almost nil. But the chain of barrier flights must remain unbroken to provide maximum surveillance of the early warning barriers.

One copilot sums up the weather situation bluntly: "If we can taxi, we fly."

Even better equipped than the WV–2's are the converted World War II destroyer escorts patroling the two barriers as the surface segment of the air-and-sea radar team. The radar picket ships strung out along the two barriers halfway around the world from each other possess, besides their radar and ECM devices, sonar (sound navigation ranging) equipment to detect submarines under water. And they have the armament with which to reply to an enemy attack.

The ships, especially those in the North Atlantic, also encounter an obstacle in the unpredictable weather conditions. However, despite ice, lightning, winds, towering waves, and overcast skies, boredom remains the greatest hazard to the barrier patrols. Long, tiresome flights and the cramped spaces of the picket ships are natural breeders of boredom when the results of the men's efforts are always negative; yet so long as the results continue to be negative the mission is being accomplished. These men on the barriers know they cannot afford to relax.

Adm. Jerauld Wright, commander in chief, United States Atlantic Fleet, evaluates the Navy's endless watch over the world's two largest oceans by stating:

"I desire to reaffirm the crucial importance of the arduous tasks performed by the men who man the ships and planes in this advance echelon of vigilance. The outstanding manner in which the job is done engenders the keenest admiration for the spirit, perseverance and devotion of all hands participating in this vital national defense mission."

I flew the Atlantic barrier on July 4, saw these men at their stations, and endorse Admiral Wright's every good word regarding our naval officers and men who carry on this vital mission for the protection of America. The Nation is indeed fortunate that men of such ability and devotion will, 24 hours a day, day after day, week after week, month after month, year after year, carry on this sometimes dangerous, always difficult work, so their fellow countrymen may live a little more securely in these times of peril.

ACTIVITIES OF COMMITTEE ON POLITICAL EDUCATION IN IDAHO

Mr. BUDGE. 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 Idaho

There was no objection.

Mr. BUDGE. Mr. Speaker, the State of Idaho has for many years been almost free of serious labor disputes and the ills resulting therefrom. The decisions of union labor in Idaho have been made by union members and officers of long-time residence in the State.

About 2 years ago, a new element called COPE was imported into the State. No one paid much attention to COPE until quite recently when some of its principles, objectives, and methods started to become known. For example, no one ever thought much about whether a committee on political education would have a constitution and most everybody assumed that if COPE had one it would follow the principles of the Constitution of the United States and simply provide the rules under which COPE would operate. No one had any thought that the constitution of COPE would prohibit

or at least discourage a union member from running for a public office unless by sufferance of COPE. No one thought it would be proper or even legal for COPE to mail the political brochures of candidates for public office with appropriate inserts. No one thought that these people called COPE, who are strangers to Idaho and to Idaho's Democratic Party, would in a primary campaign be picking the candidates on the Democratic ticket for governor and for the Congressional seats. In fact, I guess, no one really thought much about COPE; but the following article should make everyone in Idaho and everyone in the Nation give thought to COPE. The union men and women whose involuntary payments go to support it should be more concerned than anyone else, that is more concerned than anyone else except the Members of this Congress who have a clear duty to perform for American labor and for the American people generally.

The article which follows appeared in the Idaho Daily Statesman, published at Boise, Idaho, on Wednesday morning, July 2, 1958. It was written by John Corlett, a newsman of unquestioned ability and integrity with many years of experience. The facts set forth by Mr. Corlett were subsequently checked and doublechecked by the wire services and other news agencies and their correctness is unquestioned. The only individual listed in the article who is not identified is John Glasby, who just resigned as State chairman of the Democratic Party and is currently a candidate for that party's nomination for governor in the primary election which will be held more than a month hence, on August 12, 1958.

It would be interesting to know the details of the operation of COPE in other States, and it certainly should be interesting to union members to know that they have to pass the tests set up by COPE before they can exercise the right of every citizen of this Nation to offer himself as a candidate for public office. The Robert Lenaghen referred to in Mr. Corlett's article filed as a candidate for Democratic nomination to the Idaho State Legislature. One wonders who graded Mr. Lenaghen's paper when he passed the test which Mr. Dyer failed.

Mr. Corlett's article follows:

POLITICALLY SPEAKING

(By John Corlett)

The Idaho State Federation of Labor has requested that Glenn Dyer of Blackfoot, former business representative of Pocatello, Local 648, of the Plumbers and Fitters Union, withdraw as a candidate for the Democratic nomination as second district Congressman.

This unusual state of affairs was disclosed Tuesday to this reporter by Dyer and confirmed by Darrell H. Dorman, secretary-treasurer of the Idaho State Federation of Labor.

And the reason Dyer was asked to withdraw as a candidate was because he had not conformed with the constitution of COPE (committee on political education of the AFL–CIO) by asking the proper committee of COPE whether he should seek the nomination in the first place.

Dyer said he resigned from his union job when he announced his candidacy for the second district post last spring.

Not only did the executive board of the Idaho federation turn thumbs down on Dyer, but it inferentially, at least, put its blessing on Tim Brennan of Pocatello, for the Democratic second district nomination. Minutes of the meeting at which Dyer was formally requested to withdraw his candidacy show a favorable tone for the candidacy of John Glasby for the Democratic nomination as Governor.

Dyer told me he had been called to a meeting held Sunday, June 22, at the Labor Temple in Boise where candidates for the second district were to be discussed. He said he had been told that COPE would start financing him if "I would go along with them all the way." Dyer said he told Robert Lenaghen, president of the Idaho federation and chairman of the executive committee, and C. Al Green, western director of COPE, that he was not interested in making a deal.

Dorman said "we did not ask Mr. Dyer to make any deal and he knows that."

In any event, the minutes of the June 22 meeting, supplied to this reporter by Dyer, shows that the executive board did discuss Democratic second district candidates.

Tim Brennan was introduced, according to the minutes, and gave a brief explanation of the program he was setting up and stated that he felt a man must be nominated who would be able to beat HAMER BUDGE in the forthcoming campaign. He stated to the group he would wage an active campaign with the view of beating HAMER BUDGE in the Second Congressional District race.

Lenaghen told the board that Glenn Dyer, the other favorable candidate for the Congressional seat, had been invited to the meeting and should be there.

The minutes read that no action on the Second Congressional District would be taken until the last order of business before adjournment.

Dyer told me that after he talked to Lenaghen and Green he left the labor temple. Dorman said Dyer was invited to the meeting and he did not put in an appearance.

Then came the motion to request Dyer to withdraw from the Congressional race due to the fact that he didn't comply with the COPE constitution before filing for the election.

The resolution as drafted cited that portion of the COPE constitution as follows: "Any AFL–CIO member has the same right as any other American citizen to run for public office. However, any AFL–CIO member running for public office who desires COPE endorsement should, before filing his nomination, meet with the proper committee of COPE and discuss the advisability of his running, and any other matters connected with his campaign. Failure to follow this procedure will preclude an endorsement to such AFL–CIO members."

The resolution went on to say that "we believe Glenn Dyer to be a sincere, dedicated union officer, committed to the principles, aims, and objectives of organized labor," but did not believe "Brother Dyer's candidacy would be in the best interests of the Idaho labor movement."

Dyer, who owns and operates a farm near Blackfoot and was in the machinery business before he became a union official said, "I don't have to sell out to the union or anyone else. I may not win, but believe me I will sleep good," adding, "What burns me up is that they expect me to come and make a deal with them before they tell me they will support me. I was the only labor man on the ticket. I don't see why I should have to meet with any 'proper committee' of COPE.

"I am not throwing the worker over by not going along here, but I can't go along with these big boys. I am for the Idaho worker and not the international worker, I'm still for the union, but I would go for a right-to-work bill if it was right; one that was not too restrictive against the union."

Dyer said he will finance his own primary campaign, "but I have had some help from the farmers." He added that "the workers at the Atomic Energy Commission operation (at Arco) are still behind me. A lot of fellows told me they were proud of me for standing up to the big boys."

As for Brennan, the minutes of the meeting show that the executive board went on record to advise labor members in Idaho of the favorable record in the last session of the legislature of Tim Brennan, candidate for the Second Congressional District.

At that time, the only other announced candidate was State Senator Ralph Litton, Fremont County Democrat. He voted for the right-to-work bill in the last legislature and doubtless will be opposed by labor. Robert Summerfield, Twin Falls jeweler, had not yet announced his candidacy for the Democratic second district nomination.

The board also voted to notify members of organized labor of the favorable record of GRACIE PFOST in the Congress of the United States, and further: "That we mail John Glasby brochures to the members of organized labor in Idaho and that a fly be inserted pointing out Glasby's opposition to so-called restrictive labor laws."

Dorman said that the Idaho federation does not flatly endorse candidates during the primary election. He said that local labor unions had been sent the legislative record of H. Max Hanson, who has served 10 years in the Idaho legislature and is a Democratic candidate for the governorship nomination.

The board also moved that the committee draw up a proposed budget of what it would cost to elect favorable candidates to the Idaho Legislature and also favorable candidates on a national level. This letter to be sent to the western director of COPE, C. Al Green, and National Director James McDevitt.

A news article datelined Pocatello, Idaho, and appearing after publication of Mr. Corlett's article is also revealing:

LENAGHEN SAYS DYER AVOIDED COPE TEST

POCATELLO.—Robert Lenaghen, president of the Idaho State Federation of Labor, said Wednesday that Glenn Dyer, Blackfoot, candidate for the Democratic nomination as Second District Congressman, "did not care" to subject himself to a test for candidates used by the Idaho Committee on Political Education.

Dyer revealed Tuesday that the executive board of the Idaho federation had asked that he withdraw as a candidate. Dyer has been serving as secretary of the Pocatello local plumbers and fitters union and only recently resigned.

Lenaghen said that "Dyer has never met with anyone on a State level or National level in regard to his candidacy. He never even extended the courtesy of telling us he was thinking about running for office. We learned he was going to be a candidate for office by reading it in the Boise Statesman."

In a prepared statement, Lenaghen said:

"Our Idaho Committee on Political Education is committed to the support of honest, sincere, qualified, progressive candidates for public office, who by their record have demonstrated their support of the objectives to which the AFL–CIO is dedicated.

"In the making of endorsements, the capability, intelligence, unqualified integrity and the past record of the individual shall be employed as criteria for endorsement.

"Mr. Dyer obviously did not care to subject himself to this test."

Lenaghen said that "no one has said anything to Mr. Dyer about labor supporting him or about any kind of deals."

Dyer said he had been approached and had been offered financial assistance in his campaign if he would "go all the way" with labor. Dyer said he declined such offer.

The executive board of the Idaho federation in requesting Dyer to withdraw, said he had not conformed with the constitution of COPE in first appearing before the proper committee before filing for office.

Maybe Mr. Dyer knew his limitations.

VOTERS MAY BECOME CONFUSED

Mr. SMITH of Kansas. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. BURDICK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BURDICK. Mr. Speaker, in the coming election many disconcerting trains of thought may confuse the voters. Some will hold that the presentation of free overcoats and rugs will have to be stopped if we are to have an honest Government. Others will say that the retention of Benson by the President shows an utter disregard of the family-type farms of the West.

The very fact that the President recommended to Congress that we start a school in which family-type farmers can be educated to take up some other means of livelihood indicates this. They are to become watchmakers, electricians, and babysitters. This inane plan cannot be expected to win many of these farmers to the Republican cause.

There will be, principally, two parties in the field—the Democrats and the Republicans. Does the voter have to vote a ticket straight? Does the voter have to sustain the political myth of supporting the Grand Old Party, right or wrong? No, he does not.

His duty, therefore, is to vote for the man on any ticket whose principles and platform conform best to the voter's own ideas. Become informed on what the candidate stands for, and if you approve, vote for him. The party label does not mean a thing. Only in this way can we rid the Nation of political machines and blind adherence to party labels.

I am a Republican in name, but call the shots as I see them. I vote for Democrats, I vote with Democrats, whenever I think they are right. I would not surrender my independence for any office. Other voters must act likewise if this Government is to remain an agency of the people.

On June 19, 1908, a stranger came to our home at Munich, N. Dak., and a friendship was started at that time that has continued through the years. I was a personal friend of Theodore Roosevelt, and I named this stranger after Quentin Roosevelt. Now Quentin Burdick is a candidate for Congress on the Democratic ticket. He has a good education that did not spoil his commonsense; he is experienced and successful without being a slave to it; he has principle in that he will not compromise; he has honesty that can never be questioned. If this is the type of candidate you approve, vote for him. You will find his name on the Democrat ticket, but party labels will never solve our affairs, foreign or domestic.

GROUP HOSPITALIZATION CLIENTS JARRED BY 42 PERCENT HIKE IN RATES

Mr. SMITH of Kansas. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. BURDICK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BURDICK. Mr. Speaker, I have here a report on the raise in rates which will be put into effect on September 1 by Group Hospitalization, which I believe is of much importance and interest to a large segment of our population. The report, which was written by Mr. Paul O. Peters, and appears in his News Bulletin of June 30, 1958, follows:

Group Hospitalization, Inc., an organization chartered by Congress as a nonprofit corporation, claiming to have more than "three quarters of a million subscribers" has notified its clientele that effective September 1, 1958, the individual standard contract rate will be $42.00 a year and family contracts will cost $84.00 a year.

The new rates represent an increase of approximately 42 percent above the current levels. Some minor additional benefits are to be provided particularly a new arrangement relating to private room occupancy instead of semi-private accommodations provided in the regular contracts. Also held out as a further benefit is the claim that "full hospital service benefits will be provided for outpatient care for surgical cases and emergency first aid following an accident."

Group Hospitalization, Inc., has contracts with 20 hospitals in the metropolitan area of Washington, D. C. Many of these hospitals have been erected in part through the appropriation of public funds, and many of them conduct annual drives to obtain operating funds.

Generally the cost of medical services (including hospitalization) has increased approximately 22 percent since 1952 according to the indexes prepared by the Department of Commerce. For example in 1952 the index for medical care (1947–49=100) was 121. By April of this year the index had risen to 142.7 of the 1947–49 average, a gain of approximately 22 percent.

Since 1952 the purchasing power of the consumer dollar has dropped from 52.8 cents to approximately 48 cents, a general decline of slightly more than 9 percent.

In a recent comprehensive study prepared by the Foundation on Employee Health, Medical Care and Welfare, Inc., 477 Madison Avenue, New York, it is flatly stated that "More than 12 billion dollars was spent by customers for hospital, surgical, and medical care in the United States during 1956, the last year for which figures are available. During 1956 premiums for health insurance plans amounted to $3.6 billion. The research program of this foundation is designed to help the buyer be both wary and wiser in buying hospitalization services. The study claims that the average hospital stay of a Blue Cross client is 7½ days and that 1 out of 6 hospital admissions involve maternity cases.

There are 79 Blue Cross plans in the United States plus 5 in Canada, but Group Hospitalization, Inc., of Washington, D. C., is the only one officially chartered by the Government and not subject to regulation as are other insurance companies.

OUR AMERICAN GOVERNMENT: WHAT IS IT?—HOW DOES IT FUNCTION?

Mr. PATMAN. Mr. Speaker, over a long period of time and at regular intervals the Congress has caused to be distributed a booklet entitled "Our American Government: What Is It?—How Does It Function?" The most recent copy was authorized by the House, April 30, 1958, and by the Senate, May 21, 1958. House Concurrent Resolution 228, authorizing the publication and distribution of this booklet, states "in addition to the usual number there shall be printed 2,000 copies for use and distribution by each Member of Congress."

This particular booklet will contain 171 questions and answers—"a comprehensive story of the history and functions of our American Government interestingly and accurately portrayed."

The final proof for this document will be delivered to the Government Printing Office this week.

A copy of the index of the booklet is as follows:

INDEX

(Citations refer to question numbers)

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. PELLY, for 10 minutes, on today.

Mr. UTT (at the request of Mr. WILSON of California), for 1½ hours, on Monday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BROOKS of Louisiana in two instances and to include extraneous matter.

Mr. SHEPPARD (at the request of Mr. DOYLE) and to include extraneous matter.

Mr. ENGLE and to include extraneous matter.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 7349. An act to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia;

H. R. 7452. An act to provide for the designation of holidays for the officers and employees of the Government of the District of Columbia for pay and leave purposes, and for other purposes;

H. R. 8439. An act to cancel certain bonds posted pursuant to the Immigration Act of 1924, as amended, or the Immigration and Nationality Act;

H. R. 9285. An act to amend the charter of Saint Thomas' Literary Society;

H. R. 12643. An act to amend the act entitled "An act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia,' to create 'The Municipal Court of Appeals for the District of Columbia,' and for other purposes," approved April 1, 1942, as amended;

H. J. Res. 479. Joint resolution to designate the 1st day of May of each year as Loyalty Day;

H. J. Res. 576. Joint resolution to facilitate the admission into the United States of certain aliens; and

H. J. Res. 580. Joint resolution for the relief of certain aliens.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3735. An act to amend the charter of the National Union Insurance Company of Washington; to the Committee on the District of Columbia.

S. 3817. An act to provide a program for the discovery of the mineral reserves of the United States, its Territories, and possessions by encouraging exploration for minerals, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 21 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 9, 1958, 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:

2105. A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay claims for damages, audited claims, and judgments rendered against the United States, as provided by various laws, in the amount of $8,525,088, together with such amounts as may be necessary to pay indefinite interest and costs and to cover increases in rates of exchange as may be necessary to pay claims in foreign currency (H. Doc. No. 418); to the Committee on Appropriations and ordered to be printed.

2106. A letter from the Secretary of State, transmitting a draft of proposed legislation entitled "A bill to provide standards for the issuance of passports, and for other purposes"; to the Committee on Foreign Affairs.

2107. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation entitled "A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses"; to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEROUNIAN:

H. R. 13314. A bill to establish and maintain the United States Maritime Service as a uniformed service; to the Committee on Merchant Marine and Fisheries.

By Mr. HAGEN:

H. R. 13315. A bill for the relief of certain aliens distressed as the result of natural calamity in the Azores Islands, and for other purposes; to the Committee on the Judiciary.

By Mr. HASKELL:

H. R. 13316. A bill to create an independent Federal Aviation Agency, to provide for the safe and efficient use of airspace by both civil

and military aircraft, to provide for the regulation and promotion of aviation in such manner as to best foster its development and safety, and to serve the requirements of national defense; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS of Arkansas:

H. R. 13317. A bill for the relief of the Government of the Republic of Iceland; to the Committee on Foreign Affairs.

By Mr. KEATING:

H. R. 13318. A bill to provide standards for the issuance of passports, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LESINSKI:

H. R. 13319. A bill to provide an equitable system for the prompt and just settlement of grievances of Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LIBONATI:

H. R. 13320. A bill to authorize the establishment of the Indiana Dunes National Monument; to the Committee on Interior and Insular Affairs.

By Mr. MATTHEWS:

H. R. 13321. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. PATTERSON:

H. R. 13322. A bill to promote ethics in Government; to the Committee on Post Office and Civil Service.

By Mr. SAUND (by request):

H. R. 13323. A bill to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT of Pennsylvania:

H. R. 13324. A bill to amend title I of the Housing Act of 1949 to eliminate the limitation on urban renewal loan funds for any one State; to the Committee on Banking and Currency.

H. R. 13325. A bill to exempt from the club dues tax amounts paid to certain nonprofit swimming and skating organizations, and to exempt from the admissions tax amounts paid for admission to places providing facilities for physical exercise; to the Committee on Ways and Means.

By Mr. BURDICK:

H. J. Res. 646. Joint resolution establishing a National Shrine Commission to select and procure a site and formulate plans for the construction of a permanent memorial building in memory of the veterans of the Civil War; to the Committee on Public Works.

By Mr. NIMTZ:

H. J. Res. 647. Joint resolution to provide for the commemoration of the 150th anniversary of the birth of Abraham Lincoln; to the Committee on Rules.

By Mr. SCHWENGEL:

H. J. Res. 648. Joint resolution providing for joint session of Congress for commemorating the 150th anniversary of the birth of Abraham Lincoln; to the Committee on Rules.

By Mr. MAY:

H. Con. Res. 348. Concurrent resolution relative to insuring integrity and impartiality in the exercise of certain functions by administrative agencies of the Government; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HERLONG:

H. R. 13326. A bill for the relief of Louis Fischer, Feger Seafoods, and Mr. and Mrs. Thomas R. Stuart; to the Committee on the Judiciary.

By Mr. KEARNS:

H. R. 13327. A bill for the relief of Miss Emiko Watanabe; to the Committee on the Judiciary.

By Mr. SCOTT of Pensylvania:

H. J. Res. 649. Joint resolution providing for the conveyance of certain real property of the United States situated in Philadelphia, Pa., to Paul & Beekman, Inc., Philadelphia, Pa.; to the Committee on Government Operations.

EXTENSIONS OF REMARKS

Strategic Air Command

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1958

Mr. BROOKS of Louisiana. Mr. Speaker, the prime mission of the Air Force is to deter war, any kind of war, general or limited, by being instantly ready for war. Within the Air Force, the Strategic Air Command's mission is to destroy or neutralize the essential elements of the enemy's organization for total war. Strategic Air Command's ability to instantly launch a devastating attack on targets anywhere in the world is recognized as being the mainstay of the Free World deterrent position. This Nation, more than ever before, is aware of the possibility that a potential aggressor may launch an attack against the United States should they believe our strategic forces are vulnerable to surprise attack. We are also well aware of the fact that the Soviet Union has committed itself to the development of, and has in being, an effective, long-range, and modern strategic force.

The capability of the Soviet Air Force is equally recognized as being the primary threat to our national security. This force could be launched against this country—either by design, or by miscalculation on their part. Should such an attack be launched against the United States, the Strategic Air Command would immediately counterlaunch thermonuclear attacks designed to destroy the enemy's capability to wage war. Because our national policy concedes to an enemy the advantage of initiative and surprise, our Strategic Air Command must be kept in a high state of readiness from which it can rapidly react after receipt of warning of impending attack. To insure the survival of our strategic forces, we have, in previous budgets, provided for the dispersal of the force at many locations throughout the United States. To meet the objective of quick reaction and to insure that we are ready to launch the counterattack within minutes of the first warning, we have and are providing for alert facilities at each of these dispersed locations. The planes of our Strategic Air Command must continue to embody the latest advances in weapons and techniques and must be maintained at peak efficiency in both equipment and personnel.

For these reasons, 41 percent of the $986 million to be provided the Air Force for construction will be in direct support of the strategic forces. Follow-on and short lead-time construction items in this bill complement and essentially complete the dispersion and alert facilities for our heavy bomber forces at 33 locations. Alert and dispersal facilities are being provided our medium bomber force at 20 locations. This bill also continues the northward relocation of our tanker forces. All of these provisions are highly essential to maintaining an ever-poised, ever-alert strategic force with an offensive punch the Soviets must heed and respect.

Of equal importance to note is the tremendous proportion of our resources being applied to the missile effort. One hundred and ninety-six million dollars, or approximately 50 percent of the amounts being applied in support of the strategic strike capability is for missile facilities.

Since 1954, missile research and development has been given the highest priority. We are now expediting the integration of missiles into the strike force, and the operational capability and deployment responsibility for both IRBM and ICBM have been assigned to the Strategic Air Command.

Strategic Air Command's first intercontinental missile unit, employing the air breathing subsonic Snark, has been activated. The Snark, with a 5,500-mile range can carry a nuclear warhead and tests have proven its strategic capability. To be activated and operationally deployed, in the near future, will be a substantial force of IRBM squadrons equipped with both the Thor and Jupiter missiles.

The Atlas, now under test, will likewise be employed by SAC as our first operational ICBM and shortly to follow will be the Titan, equipped with a new and improved guidance system.

The realization and integration of the weapons into the already potent manned bomber force can only serve to extend and enhance our flexibility in response to attack. Coupled with SAC's demonstrated technical know-how, targeting ability, and strategic planning experience, the most effective employment of these weapons is assured.

Long-range missiles deployed within the United States on continuous alert and capable of launch, within minutes after warning, serve to emphasize our resolute and announced intent to crush with devastating counterattack any would-be aggressor.

One word of warning, however, must be emphasized. In this day of preoccupation with missiles, it is easy to underestimate the military might represented by the Strategic Air Command and its striking force of long-range bombers. Obviously, many of the missions now performed by manned aircraft will be taken over by missiles—some in the next few years and others in the more distant future. If we seek to halt the constant modernization of SAC aircraft and facilities, we only serve to undermine our national security. Therefore, the transition from bomber to ballistic missile must, of necessity, come about in an orderly, step-by-step fashion. To weaken our defense posture by ignoring the needs of our force in being can only lead to inviting disaster. In short, as we strive to bring our missiles into operational being, we cannot for a moment relax our efforts to sustain the Strategic Air Command bomber force in a constant state of alert and readiness.

Mr. Speaker, in the matter of maintaining world balance, the Air Force is doing a magnificent job. It is neutralizing the power and might, the weight of which is thrown around so often, of the Soviet war machine. The core of our deterring strength lies in the Strategic Air Command. Constantly alert, grim, and determined, poised and in readiness, these men of the Strategic Air Command stand at the Nation's portals, always eager, earnest, sincere, and yet modest and cautious, ready to avert war and defend the Nation in the event the hour should strike.

Why Was There No Ceremony at the White House When the President Signed the Bill Making Alaska a State?

EXTENSION OF REMARKS
OF
HON. CLAIR ENGLE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 8, 1958

Mr. ENGLE. Mr. Speaker, ordinarily, when important legislation is passed, some ceremony is arranged at the White House when the bill is signed. Very often the President uses several pens, which are kept as mementos of the occasion by the authors of the legislation and others who had a significant part in its enactment.

I was astonished to learn that the President had no such ceremony on the signing of the Alaskan statehood bill—although apparently there were conveniently arranged television cameras to record the signing of the bill by the President alone at his desk. I raise the question as to whether or not this was deliberately done to avoid the necessity of inviting to such a ceremony prominent Democratic legislators and other Democrats who, over the years, have been in the forefront of the fight to get statehood for Alaska, and to deprive the Democratic Congress of any recognition for bringing Alaska into the Union.

It would have been necessary, and common decency would have required, had such a ceremony been held, for the President to invite Delegate BOB BARTLETT, who is a member of our Committee on Interior and Insular Affairs, and who has sweated out every hour and day of the struggle for statehood. The White House could not have ignored Congressman LEO O'BRIEN of New York, chairman of the Subcommittee on Territories and author of the bill, who handled the bill on the House floor. It would have been necessary, and required courtesy, to invite United States Senators JACKSON, CHURCH, and MANSFIELD, who carried the main burden of taking the statehood bill through the Senate—all Democrats. Moreover, the Alaska statehood delegation, which has been here in Washington on behalf of statehood for 18 months, since January 1957, most certainly would have warranted recognition in such a ceremony. This would include those elected under the so-called Tennessee plan—Senator-elect William A. Egan, Senator-elect Ernest Gruening, and Representative-elect Ralph J. Rivers. Here again, they are all Democrats.

Mr. Speaker, I cannot avoid the suspicion that the traditional signing ceremony was deliberately omitted because the White House staff was unwilling to see the President surrounded by the Democrats primarily responsible for Alaskan statehood, while he signed the bill authored by a Democrat. On the contrary, effort has been made through the national press, pictorials, and other mediums to give some Johnny-come-latelies undue credit for this historic legislative action, which is primarily the result of the insistence, persistence, and resourcefulness of Delegate BOB BARTLETT and his Democratic friends in and out of the Congress.

The Manila Daily News

EXTENSION OF REMARKS
OF
HON. HARRY R. SHEPPARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 8, 1958

Mr. SHEPPARD. Mr. Speaker, the enterprise of the Manila Daily News in issuing a special edition of its Monday, June 16, paper, and having it clippered to the United States to coincide with President Garcia's visit here is to be commended.

In my capacity as chairman of the Military Construction Subcommittee of the Appropriations Committee, I was especially interested in the series of 12 articles which the Manila News is running on the mutual value of the Strategic Air Command. Of equal interest was a very fine analysis of the importance to the people of the Philippines and the United States of the wise use being made of appropriated funds which provide for the protection of the Philippine Islands against encroachment by the Soviet bloc.

United States Airline Industry Faces Global Threat

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Tuesday, July 8, 1958

Mr. WILEY. Mr. President, I send to the desk the text of an article which I prepared for the June 1958 issue of the Legion Air Review as published by the American Legon's national security commission in Indianapolis.

This article points up comments which I had made previously on the Senate floor describing the global threat to Free World aviation posed by Soviet Russia's worldwide Aeroflotsystem.

I append to my article the text of an editorial in the same issue of the Legion Air Review on the theme of the need for more aviation education of American youngsters.

I ask unanimous consent that the text of my own article and the Legion editorial on aviation education be printed in the RECORD.

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

UNITED STATES AIRLINE INDUSTRY FACES GLOBAL THREAT—NATION MUST STRENGTHEN AIRLINES AGAINST RUSSIAN AEROFLOT BID FOR WORLD MARKET

(By Senator ALEXANDER WILEY, of Wisconsin, senior minority member Foreign Relations Committee, United States Senate)

Along with the build-up of her missiles program, long-range bomber, and satellite program, Russia is forging ahead with the build-up of a huge civil fleet of high-performance jet transports and a worldwide network of air routes that poses a real threat to this Nation's airline industry, its economy, and indirectly the national defense.

An effective jet air transport organization will stimulate Russia's economic development and strengthen her political influence. But the military implications of the Soviet airline establishment are much more foreboding. A wholly government operation headed by a Soviet Marshal, Russia's airline system can be transformed quickly into a military transport machine. Russia is thus building up her civil transport organization as a vital component of her total air power—posing a challenge to United States strength in global airlift as well as in other areas of national defense.

The Soviet State Airline Aeroflot is now second in route-miles flown throughout the world, in volume, to the largest American flag carrier. Today, Soviet air routes reach into 16 foreign countries. Plans are underway to extend Russian service to additional capitals and other major population centers.

In many respects, American commercial transports are very far ahead, particularly with reference to passenger conveniences and aircraft safety equipment. But, in some respects, the Soviets are ahead, principally in that they operate the world's largest fleet of jet transport planes.

I raise this point of United States competition with Russia because I think that all the United States agencies involved in aviation—the State Department, the Commerce Department, the Civil Aeronautics Administration, the Civil Aeronautics Board, and

indeed, the Department of Defense had better think it through in all of its implications and do it now.

It is clear that the Soviets conceive of international air route progress as a goal for many reasons:

First. As a prestige symbol for the U. S. S. R., particularly in the underdeveloped world, as modern Russian planes impressively arrive and take off.

Second. Perhaps, in part, as a commercial-economic earner of foreign revenue. Of course, the fact that Aeroflot is owned and operated by the state means that Soviet aviation economics are far different from our own.

Third. As a convenient instrument for acquiring military air intelligence data.

Fourth. As a convenient artery for assisting in Soviet subversion—the protected flying in and out of intelligence operatives and information.

We, in the United States, rightly pride ourselves in our own private airline industry.

Commercial aviation in the United States, domestic and international, represents a triumph of free enterprise at work. It is an outstanding example of what can be done by a combination of risk-taking by private investors, technical competence by aviators, ground maintenance men, aircraft manufacturers, and others; plus courage, vision, and private initiative.

The American commercial aviation industry is a civilian industry. Yet, in times of emergency, it has served our Government so effectively that we can hardly ignore its deep significance in terms of the overall defensive capability of the United States.

I cannot close my eyes, and I do not want the executive branch to close its eyes to the serious overtones of the Soviet challenge.

Let the executive branch review its actions. Is it helping or hurting United States commercial aviation at home and abroad? Is it truly helping the carriers to complete successfully the enormous problem of financing costly jetplanes? Is the executive branch imposing excessive taxes on this industry, including taxes on aviation fuel? Is it helping enough to provide jet airports to accommodate jetplanes?

Has it not been over-generous in giving away choice United States routes to foreign carriers? Has it been realistic and practical in its attitude toward fares which it permits our heavily burdened carriers to charge for costly international air service?

The United States airlines jointly have proposed a plan that would not only materially strengthen this country's transport airpower without burden to the taxpayer, but also enable the Government to direct more funds to the other areas of defense which the Russians are challenging so aggressively.

Recently in presenting the plan on behalf of the scheduled airline industry, Stuart G. Tipton, president of the Air Transport Association of America, said:

"First, we believe we must have in being a national airlift capacity (combined military and civil) capable of doing the job during the first critical days after D-day. Secondly, we believe that this D-day capability can be not only assured, but also expanded—and at less cost to the Government—if the Department of Defense will place greater reliance upon the civil air industry. Thirdly, we believe that the requirements for airlift will continue to increase and that we must, therefore, constantly add to the capacity of our total national air fleet and keep it modern at all times in order that it may be as effective as possible."

The airlines propose that the Department of Defense adopt a policy whereby the tremendous capability of the airlines would be measured against the defense requirements first, with the Military Air Transport Service (MATS) geared to provide the balance. They propose further that the Department make substantially greater use of the civil carriers in peacetime.

Furthermore, the association asserts, such a move would free MATS to concentrate more heavily on its most important missions—the provision of strategic airlift and technical services for all branches of the military. Moreover, ATA believes, if routine military transport were handled by the civil airlines, thousands of highly trained military personnel would be freed for duty in the Strategic Air Command and Tactical Air Command and other strictly combat-type units, in which the military says it is almost constantly short-handed because the reenlistment rate is not high enough.

In an unusual move, the Department of Defense filed a statement with the Civil Aeronautics Board, the Federal agency that regulates United States commercial aviation, saying it "recognizes as a matter of the greatest urgency the necessity for maintaining a strong, modern and economically sound air carrier industry to meet the requirements of national defense during peacetime and national emergencies."

The statement continues, "Modern, vigorous and responsive transportation systems are a vital part of this Nation's defense capability. Technological advances in weapons and new mobility of force concepts have created a requirement for comparable support systems, and necessitate an increasing reliance on air transportation. Also, since sustained striking power depends on the immediate responsiveness of the support system, the Department of Defense is much concerned with the continued development of the air carrier industry and its financial ability to acquire and operate modern equipment on a continuing basis."

I believe the Defense Department has stated the problem squarely. It is up to the Executive Office of this great Nation to demand its immediate implementation.

Aviation Education

Beginning this month, 31 major colleges and universities will hold aviation education workshops in all sections of the country. Having sent their young charges home for the summer, teachers with tireless energies will turn student to learn more of aviation, both military and civil.

Th American Legion wishes them well in this high endeavor. For their understanding of aviation and its impact upon the world we live in needs to be impressed upon the minds of our youth. Today, despite the fact that the aeronautical science is at perhaps its most spectacular stage, aviation careers seems to have lost the interest of American youth.

Modern aircraft, flying at breathtaking speeds and at altitudes beyond human sight, fail to capture the imagination of youngsters as did the slow, comparatively cumbersome low-altitude craft of the pioneers.

And the undramatic efficiency with which air commerce plys the air ocean with safety and dependability has rubbed the glamour from the pilot and left in its place, the badge of the professional man.

One result has been that, while the airplane plays an ever-greater part in the life of the Nation, we are increasingly confronted with shortages of trained aeronautical engineers, technicians, military pilots and scientists. These shortages are symptoms of youth's lagging interest in aviation careers.

Even more important, perhaps, is the danger that a generation of Americans whose destinies lie in the air could reach maturity without a full understanding of the impact of aviation on the social, economic and scientific fabric of their world.

Fortunately, our Government has recognized this situation and action is being taken. President Eisenhower's recently established National Committee for the Development of Scientists and Engineers is even now searching for positive solutions to the problem. The establishment of the United States Air Force Academy is evidence by our Government and Nation of the increased specialization which is required to maintain United States superiority in the air sciences and engineering.

Today, entire industries have been built upon air commerce. The world's travelers have turned to the air—to the extent that more international travelers entering and leaving the United States do so by air than by sea. More first-class travelers use the Nation's airlines than use the Nation's railroads.

Moreover, the airplane as a weapon of war has become a keystone of peace, a deterrent to aggression, and the major defense against attack.

It is a responsibility—because of the massive impact of aviation—for all Americans, especially those within the aviation industry and the educational field, to insure that the next generation is given the background and the foundation to use these great advances with intelligence and to continue them for man's betterment.

In our absorption with the problems of the moment, we can never lose sight of the fact that the distant goals of today must be achieved by the men of tomorrow.

For this reason, the success of widespread aviation education programs, aimed at placing in perspective the startling aeronautical advances and revolutionary changes of the first half century of power flight, has never been more important.

Such programs are already under way on several fronts, sponsored by such groups as the National Aviation Education Council, the Civil Aeronautics Administration, the Civil Air Patrol, the Air Force, the Navy, the airline industry, the aircraft industry, and others.

Leading national educators have joined, through the National Aviation Education Council, with the support of the Aircraft Industries Association, to prepare materials for the use of schools throughout the country.

Such active programs are long due—at a time when man's wings have changed the pace of the world, the concepts of commerce, and the tempo of communications.

We feel sure that the efforts of America's teachers, this summer, in their aviation workshops, will be appreciated in the schools this fall and in the years to come. It undoubtedly will be through their efforts that America will continue to lead the world in aviation, in peace, and, hopefully, in prevention of war.

Waterway Exhibit at World's Fair

EXTENSION OF REMARKS

OF

HON. OVERTON BROOKS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1958

Mr. BROOKS of Louisiana. Mr. Speaker, the World's Fair at Brussels, Belgium, this year is one of the big undertakings of this generation. It is the largest postwar festival of this kind; and should be viewed by millions of people of the world before the curtains are finally rung down upon this great exhibit.

Our country is participating in this fair and the Congress has appropriated the total sum of $13,445,000 in two separate appropriations for the American

display. Our exhibits at this spectacle should, therefore, be in keeping with the vast sums which we have expended on our exhibits there.

I have read of criticisms of our art exhibit at the Fair. I am not personally in a position to judge, as I was not one of those who has been able to make the trip to Brussels and inspect this exhibit. In such an exhibit, however I think we should not attempt to present a freakish picture; but we should confine our exhibit to what is truly representative of America.

In one respect, if we are to use this criteria, we are falling down. In this country, we have a vast program of water utilization. Our rivers and our harbors are being developed. Our lakes are being created and adapted to the pleasures of fishing, swimming, and boating. Our inland streams are being made available to the beneficial uses of mankind as we curb the violent and reckless forces of the flood waters, making them useful to our people. This program should be of great interest to the people of the 6 continents and the 7 seas.

The lower Mississippi Valley with its great rivers, its perennial floods, the possibilities for navigation and for water use—the vast program our Corps of Army Engineers in this area would, in my judgment, appeal to the imagination of the Old World. Then, too, on the Pacific coast, and in other sections of this Nation, the forces of Old Man River are being curbed and made to serve, not injure mankind. All of these projects could be made the basis of most acceptable exhibits at the World's Fair at Brussels. They are truly representative of America.

It so happens that for this year we are dedicating the St. Lawrence Seaway project. It is costing the peoples of the United States and Canada multiplied hundreds of millions of dollars. It is an herculean task, and is worthy of the abilities and the utmost resources of North America. A St. Lawrence Seaway exhibit should be of great interest to the peoples of the world.

I am sure that the world will be interested in the niceties of engineering demonstrated in this project. I am sure that the North Americans who have built this tremendous structure will want to show it to the peoples of the world. Such an exhibit should have a tremendous impact upon those who are able to see it.

More than this. Such an exhibit should give the nations of the Old World and of Asia and Africa some new idea of the strength and the solidarity of the New World. It should serve to emphasize the close relationship and deep friendship of the people of the United States and their great neighbor to the north—Canada. This example of confidence and friendship should be of great importance in molding relationships of other nations with similar frontiers and resulting problems. Who knows but that out of the graphic presentations of this seaway project may come new thoughts and new relationships arising between nations, bringing them closer together and erasing irritations and misunderstandings which are the seed of strife.

The Army Engineers have an exhibit available for just such a purpose. Such should certainly be a part of America's presentation at Brussels. It is not too late. All that we need is the desire to truly present America at the World's Fair and with this firmly fixed in mind, we are on our way to show the world our Presidential and Congressionally sponsored water utilization program.

Mr. Speaker, I speak in the name of the National Rivers and Harbors Congress, of which I am president. This nationwide organization has long supported the St. Lawrence development as a part of its overall program to advance and expand the Nation's waterways. This organization is anxious that such a water development exhibit be presented to the world at the Brussels Fair. The association has written the Honorable John J. Slocum, Coordinator of Public Affairs, Brussels, Belgium, urging prompt action in this matter, and I reproduce herewith a copy of this letter of the National Rivers and Harbors Congress of June 27, 1953, to Mr. Slocum:

NATIONAL RIVERS AND HARBORS CONGRESS,
Washington, D. C., June 27, 1958.

HON. JOHN J. SLOCUM,
Coordinator of Public Affairs, Office of the United States Commissioner General, Brussels Universal and International Exhibition, 1958, Brussels, Belgium.

DEAR MR. SLOCUM: The Brussels World's Fair is now underway and as president of the National Rivers and Harbors Congress, I want to say that our organization is disappointed that the exhibition does not carry an outstanding American water development exhibit. It is our feeling that the failure to use a type of exhibit which would be afforded by the St. Lawrence Seaway development program is an oversight.

As you know, Queen Elizabeth and President Eisenhower will probably open the last link in the series of canals that join together the Great Lakes and the Atlantic Ocean. Their presence alone on this occasion makes it important enough to justify world attention.

At the convention of the National Rivers and Harbors Congress last May the St. Lawrence Seaway Corporation presented an excellent display of this project. I believe this project is so important that the display should be shown to as many people as possible all over the world. The audience at the Brussels Fair is one of the finest forums all over the world for this purpose, and this exhibit will show international good will and cooperation as well as demonstrate our internal waterway program of progress.

I hope it is not too late for you to yet take proper action in this respect.

Sincerely yours,

OVERTON BROOKS,
From Louisiana, President, National Rivers and Harbors Congress.

SENATE

WEDNESDAY, JULY 9, 1958

(Legislative day of Monday, July 7, 1958)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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

Our Father, God, all the ways of our direst needs lead to Thee, to Thy strength, and to Thy everlasting mercy.

For this quiet moment, before the pressing concerns of a new day move in upon us, wilt Thou lift us from the confusion and bafflement of these desperate times into the unhurried healing calm of Thy presence.

Solemnize us with the responsibility of ability, as Thy servants here in the ministry of public affairs face decisions affecting the lives and fortunes of untold millions who look anxiously to these halls of council for the wise word and the right action. May those who here speak for the people be patient in argument, charitable in judgment, and slow to wrath. Grant us to know Thee, that we may truly love Thee, and so love Thee that we may freely serve Thee, to the honor and glory of Thy great 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, July 8, 1958, was dispensed with.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following committee and subcommittees were authorized to meet during the session of the Senate today:

Committee on Labor and Public Welfare.

Fiscal Affairs Subcommittee of the Committee on the District of Columbia.

Antitrust and Monopoly Subcommittee of the Committee on the Judiciary.

Irrigation and Reclamation Subcommittee of the Committee on Interior and Insular Affairs.

On request of Mr. BIBLE, and by unanimous consent, the Public Roads Subcommittee of the Committee on Public Works was authorized to meet during the session of the Senate today.

TRANSACTION OF ROUTINE BUSINESS

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

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

EXECUTIVE SESSION

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