SENATE

THURSDAY, FEBRUARY 4, 1954

(Legislative day of Friday, January 22, 1954)

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

Rev. Glen B. Walter, St. Mark's Episcopal Church, Millsboro, Del., offered the following prayer:

O great and glorious God, infinite in power and pity, majesty and mercy; we thank Thee that our chance to serve this great country with courage and humility has come in a time of crisis and need. Pour out Thy guiding spirit upon us, making us equal to our task. Let the light of Thy love for all mankind be our pathway to noble service. In Thy straight path of righteousness we shall neither stumble nor falter. We praise Thee for our privilege of serving; we humbly accept our responsibility to serve Thee acceptably. May the verdict of history inscribed on the rolls of the centuries say, "Well done." As we ask for Thy guidance, we promise our obedience, in Jesus' name. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, February 3, 1954, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

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

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded and that further proceedings under the call be dispensed with.

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

LEGISLATIVE PROGRAM

Mr. KNOWLAND. Mr. President, for the information of the Senate, let me say that yesterday evening I pointed out that on the coming Monday we hope to have a call of the calendar, from the beginning, of bills and other measures to which there is no objection.

In addition, there are a number of measures which, if not passed on the calendar call, I gave notice we would like to have considered. I have already discussed them with the minority leader. For the information of the Senate, I shall state again that those measures are the following: Senate bill 2038, Calendar No. 617, authorizing cash relief for certain employees of the Canal Zone Government; House bill 5861, Calendar No. 856, which is similar to Senate bill 2038; Senate bill 1647, Calendar No. 857, continuing in effect the provisions relating to the authorized personnel strengths of the Armed Forces; Senate bill 2772, Calendar No. 877, providing for the disposal of paid postal savings certificates; Senate Resolution 194, Calendar No. 881, for the printing of additional copies of the Senate report on Korean atrocities; House bill 2326, Calendar No. 888, to continue in effect the provisions relating to the authorized personnel strengths of the Armed Forces; and Senate bill 1184, Calendar No. 923, to authorize relief of authorized certifying officers from exceptions taken to payments pertaining to terminated war agencies in liquidation by the Department of State.

I make that announcement at this time, so that the Senate may be advised in advance.

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

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. Other than the call of the calendar on Monday and the bills the Senator from California has specifically enumerated, does he anticipate that there will be votes on major legislative items next week?

Mr. KNOWLAND. Of course, it is always difficult to determine what some may term major legislative items. Certainly I think we will not have any votes on proposed legislation of the type of either the Bricker amendment or the Hawaii statehood bill or other legislative measures of that category. I would not wish to limit the activity of the Senate next week merely to unobjected-to measures, because there may be some measures which Members may desire to debate or to ask questions about—such as, for instance, measures similar to the resolution relating to the Committee on Government Operations, with respect to which the distinguished Senator from Louisiana [Mr. ELLENDER] desired to develop some facts, but for which he finally voted.

I would hope we would not be precluded from taking up some measures which might be controversial, but would not be of a major nature.

Mr. JOHNSON of Texas. Does the Senator from California have in mind any measures other than the ones he has enumerated, for consideration?

Mr. KNOWLAND. I do not, at the time; but if others come to my attention during the day, I shall call them to the attention of the minority leader and other Senators, so that they may be advised of them.

Mr. JOHNSON of Texas. Am I correct in saying that Senators may understand that, other than the measures enumerated and the calendar and measures which are not considered to be major legislative items, no formal votes will be taken next week?

Mr. KNOWLAND. Yes, except for taking up the Executive Calendar or conference reports which may come to us from the House of Representatives.

I always desire and endeavor to discuss such items in advance with the minority; but I should like to have the legislative program proceeded with, for I say prayerfully and hopefully that it is my desire to have the Senate adjourn by July 31, and I am sure that sentiment is shared by Senators on both sides of the aisle. On the other hand, unless we can keep things moving along expeditiously, we shall not be able to conclude the session by that date.

Mr. MORSE. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. MORSE. I apologize to the majority leader, but I wish to be sure that I understand him correctly.

Do I correctly understand that he does not contemplate that any vote will be taken next week on any portion of the Bricker amendment?

Mr. KNOWLAND. Perhaps it is a forlorn hope, but I have been hoping all week that during this week we might reach votes on some of the amendments to the Bricker amendment. Today is Thursday. I am still hopeful that we shall have a chance to vote today on some of the clarifying amendments, and also tomorrow, I hope, and, if necessary, perhaps even on Saturday.

However, I may say to the Senator from Oregon that if the Bricker amendment is not disposed of this week, then I think we shall try to take up some of the less controversial matters during the following week.

Mr. MORSE. That clarifies the point I had in mind. I understand that the majority leader does not expect to have the Senate vote on the Bricker amendment or amendments thereto, next week; but he hopes there may be votes on amendments to the Bricker amendment this week. Is that correct?

Mr. KNOWLAND. That is right.

If we can reach a point where we have had at least some votes and some expression of sentiment on the part of the Senate, by action on some of the clarifying amendments, it might be well to let the country and the Senate digest that much during the following week, and then resume the discussion and the debate after that time.

I do not expect to schedule any major measure in the interim, because I would not wish to schedule it and then have to lay it aside.

Mr. MORSE. As I have previously told the majority leader, I shall serve notice on him whenever I intend, if I decide to do so, to move to recommit the Bricker joint resolution. It is my present highly tentative plan not to consider making a motion to recommit until after there is a vote on the amend-

ment of the Senator from Georgia or on some amendment that may be substituted for it.

Mr. KNOWLAND. Then, I assume that what the Senator from Oregon has in mind is that first there would be the votes on the clarifying amendments to the committee amendment, which of course take precedence.

Mr. MORSE. Yes.

Mr. KNOWLAND. And that then the votes would come on any further clarifying amendments which might be offered, and then the vote would come on either the amendment of the Senator from Georgia, which is in the nature of a substitute, or on other substitute amendments which might be in order.

Mr. MORSE. Yes.

Mr. KNOWLAND. At that point, and before any vote is taken on the question of the passage of the joint resolution in its finally amended form, I assume the Senator from Oregon intends to move to recommit.

Mr. MORSE. Yes. In order to be perfectly specific for the RECORD, let me say it is my present very tentative plan to make a motion to recommit after the Senate has voted on the amendment of the Senator from Georgia or on any other amendment which seeks, in line with the same principle, to be a substitute for the amendment of the Senator from Georgia.

Mr. KNOWLAND. I thank the Senator from Oregon for the information.

Mr. MORSE. Mr. President, did I correctly understand the majority leader to say that next week he might call up the Executive Calendar, including the Beeson nomination?

Mr. KNOWLAND. I said I might call up the Executive Calendar. I have not yet heard from the chairman of the Committee on Labor and Public Welfare, as to whether that committee has completed its hearings on that nomination. I would not wish to foreclose the possibility of bringing up that nomination tomorrow; it is one of those which might be included.

Mr. MORSE. I wish to say that if the facts are as I understand them to be—and I make no commitment on that understanding until I hear from the committee—I think it goes without saying that the Beeson nomination will produce rather lengthy debate on the floor of the Senate. So, in my opinion, it would be a mistake to bring up the nomination next week, when so many of our colleagues will be absent, because if that were done I believe it would only serve to prolong the debate.

Mr. KNOWLAND. The Senator encourages me, in a way. If there is to be lengthy debate, perhaps the nomination should be considered next week.

Mr. MORSE. I think that would be very unfair to our colleagues, who certainly ought to hear the debate on the nomination, even if they hear no other debate.

Mr. KNOWLAND. I hope that when our colleagues find it necessary to be absent they may follow the CONGRESSIONAL RECORD. I find that, during the lengthy debate which has taken place this week, because of committee hearings and other public business, Senators are not always able to be present in the Chamber to receive the benefit of the enlightenment which comes from Senate debate. I am not sure that they will be present in any substantial numbers to listen to the debate, but it will be available to them in the CONGRESSIONAL RECORD through the verbatim reports which our very competent Official Reporters of Debates make. So if the Senator has any idea of a lengthy debate, I should like to discuss the matter with him a little further.

Mr. MORSE. It is not my idea; but judging from the educational seminars which my Democratic friends have already taken me through in connection with the Beeson nomination, I think it would be a great mistake to deny to absent Senators the advantage of hearing the debate which will probably develop over this nomination.

Mr. KNOWLAND. The majority leader expects to be in his seat during all of next week. I shall be prepared to receive any enlightenment which the Senator from Oregon may be prepared to offer.

Mr. MORSE. I expect to be present, because this year I shall not be making any Lincoln Day speeches.

Mr. KNOWLAND. I should assume not.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. SMITH of New Jersey. As chairman of the committee, let me say that I have called a meeting of the committee for 10 o'clock tomorrow. It will be necessary for the committee to postpone for a little while hearings on proposed amendments to the Taft-Hartley law. I hope we can dispose of the nomination tomorrow, so far as the committee is concerned.

Mr. KNOWLAND. I shall keep in touch with the chairman of the committee.

EXECUTIVE COMMUNICATIONS, ETC.

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

THEODORE J. HARRIS

A letter from the Acting Postmaster General, transmitting a draft of proposed legislation for the relief of Theodore J. Harris (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF STATUS PHASE OF SCHOOL FACILITIES SURVEY

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a copy of the Report of the Status Phase of the School Facilities Survey, conducted by the Office of Education (with an accompanying document); to the Committee on Labor and Public Welfare.

AUDIT REPORT ON BUREAU OF LAND MANAGEMENT

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Bureau of Land Management, Department of the Interior, for the fiscal year ended June 30, 1953 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Colorado; ordered to lie on the table:

"House Joint Memorial 1

"Joint memorial memorializing Congress to deed the title to all the area of Fort Logan, except that area now used as a national cemetery, to the State of Colorado, together with all appurtenances thereto

"Whereas the State of Colorado is in urgent need of adequate housing facilities for the aged, infirm, and senile psychotic; and

"Whereas the facilities at the Colorado State Hospital at Pueblo are rapidly becoming incapable of handling increasing admissions; and

"Whereas the State of Colorado faces a financial crisis in apportioning available moneys to cover these necessary State services; and

"Whereas the State of Colorado lacks a proper site for the care, control, and treatment of alcoholics; and

"Whereas the State of Colorado has no adequate hospital facilities for the active study and treatment of psychotic persons committed to the custody of the State for treatment; and

"Whereas the United States of America owns certain lands and improvements located in Arapahoe County, Colo., which was formerly operated as a military installation under the name of Fort Logan; and

"Whereas it appears that the use of Fort Logan by the United States Government as a military installation has practically ceased and that many of the buildings and other improvements thereon are not being used presently for any particular purpose; and

"Whereas Fort Logan has some adequate brick and stone buildings with sun porches and wide expanses of lawn ideally suited for the proper housing and recreation of aged people; and

"Whereas certain buildings on the situs of Fort Logan would be ideal for the housing, care and treatment of alcoholics presently crowding local facilities; and

"Whereas the veterans' housing project located on part of the grounds could be continued as such without interference from the State of Colorado: Now, therefore, be it

"Resolved by the house of representatives of the 39th general assembly in 2d regular session convened (the senate concurring herein), That the Congress of the United States is hereby respectfully requested to enact appropriate legislation, in the event the present bill before Congress to transfer title of the said property to the Veterans' Administration does not pass or another agency of Government does not request the property, so as to cause the transfer by deed to the State of Colorado, title to all of the area of Fort Logan, except that area now used as a national cemetery, together with all appurtenances thereto; and be it further

"Resolved, That a duly attested copy of this memorial be immediately transmitted to the Secretary of the Senate of the United States, the Chief Clerk of the House of Representatives of the United States, and to each Member of the Congress from this State.

"DAVID A. HAMIL,
"Speaker of the House of Representatives.
"LEE MATLIES,
"Chief Clerk of the House of Representatives.
"GORDON ALLOTT,
"President of the Senate.
"MILDRED H. CRESSWELL,
"Secretary of the Senate."

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

"Resolutions memorializing the Congress of the United States to take action to lower the high cost of coffee.

"*Resolved*, That the House of Representatives of Massachusetts memorializes the Congress of the United States to enact laws to lower the tariff on the importation of coffee and to take such other action as may be necessary to lower the high cost of coffee; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the State secretary to the President of the United States, to the presiding officer of each branch of Congress, to the Members thereof from this Commonwealth, and to the Federal Trade Commission."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolutions memorializing the Congress of the United States in favor of increasing benefits under the Federal Social Security Act to a minimum allowance of $100 monthly

"Whereas the rising level of prices indicate that current benefits available under the Federal Social Security Act are insufficient to meet the basic needs of the people; and

"Whereas these inadequacies seriously threaten the comfort and happiness of millions of American citizens, and call for a liberalization of our social security legislation; and

"Whereas this problem of instituting a proper social security program for the American people presents a vital question the answer to which cannot long be postponed: Therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as will provide that the amount of financial aid or assistance furnished to recipients under the provisions of the Federal Social Security Act be increased so that the minimum monthly allowance of each recipient be $100; and be it further

"*Resolved*, That the secretary of the Commonwealth transmit forthwith copies of these resolutions to the President of the United States, to the presiding officer of each branch of the Congress, and to each Member thereof from this commonwealth."

A resolution adopted by the Central Labor Council of Portland, Oreg., protesting against any special exemption on income derived from dividends; to the Committee on Finance.

JUVENILE DELINQUENCY—RESOLUTION OF COUNCIL OF CITY OF CHICAGO, ILL.

Mr. DOUGLAS. Mr. President, we are all deeply interested in the problems confronting American youth, and have been gratified that the current Senate investigations of juvenile delinquency are making a serious attempt to learn its causes and discover constructive remedies.

Understanding the necessity for private and Government action at all levels, National, State and local, I was especially pleased to learn from my friend, Alderman Alfred J. Cilella, of Chicago, that the city council there has adopted his resolution for the creation of a Chicago Youth Commission.

I think many others will be interested to learn of this serious approach to the problems of delinquency in Chicago. I ask unanimous consent to have printed in the RECORD the resolution adopted by the Chicago City Council, and that it be appropriately referred.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas the Nation has been shocked and horrified in the past 2 years by a wave of juvenile crime and vandalism of an unprecedented nature; and

Whereas existing methods and means of dealing with juvenile delinquency are apparently inadequate to cope with the problem; and

Whereas juvenile violence has been particularly aggravated in the metropolitan centers of the United States, including the city of Chicago; and

Whereas a new approach is desperately needed to prevent and halt the deterioration and degradation of a large segment of our youth; and

Whereas the problem is one which can be best and most efficiently dealt with at the local level: Now, therefore, be it

Resolved, That the Council of the City of Chicago establish a commission to be known as the Chicago Youth Commission, for the purpose of inquiring into the causes and origins of juvenile crime, violence, and vandalism and suggesting measures for their alleviation.

Resolved further, That the said Chicago Youth Commission consist of 3 members of the Council of the City of Chicago, and 8 members chosen from our outstanding businessmen, professional men, religious leaders, educators, civic leaders and sponsors of youth activities.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. HENDRICKSON, from the Committee on Armed Services, without amendment:

S. 2689. A bill to retrocede to the State of Ohio concurrent jurisdiction over certain highways within Wright-Patterson Air Force Base, Ohio (Rept. No. 930);

H. R. 2842. A bill to authorize the Secretary of the Army to transfer certain land and access rights to the Territory of Hawaii (Rept. No. 931);

H. R. 5632. A bill to provide for the conveyance of a portion of the Camp Butner Military Reservation, N. C., to the State of North Carolina (Rept. No. 932); and

H. R. 6025. A bill to authorize the Secretary of the Army to grant a license to the Leahi Hospital, a nonprofit institution, to use certain United States property in the city and county of Honolulu, T. H. (Rept. No. 933).

By Mr. HENDRICKSON, from the Committee on Armed Services, with amendments:

S. 489. A bill to direct the Secretary of the Army to convey certain land located in Windsor Locks, Conn., to the State of Connecticut (Rept. No. 934); and

S. 1827. A bill to quiet title and possession with respect to certain real property in the State of Washington (Rept. No. 935).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 4, 1954, he presented to the President of the United States the enrolled bill (S. 373) to extend the time for filing claims for the return of property under the Trading With the Enemy Act.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. GOLDWATER:

S. 2892. A bill for the relief of Metamorfe Haita; to the Committee on the Judiciary.

By Mr. BRIDGES:

S. 2893. A bill for the relief of Seraphina Papgeorgiou;

S. 2894. A bill for the relief of Mrs. Azniv Y. Hasserdjian;

S. 2895. A bill for the relief of Brede Syver Klefos; and

S. 2896. A bill for the relief of Mrs. Hellen M. Sargent; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 2897. A bill to extend the term of patent No. 2,118,558 for 5 years; to the Committee on the Judiciary.

By Mr. MURRAY (by request):

S. 2898. A bill to provide home rule for the Assiniboine-Sioux Tribes of the Fort Peck Indian Reservation, Mont.; and

S. 2899. A bill to establish the Fort Peck Indian Lands Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUTLER of Nebraska:

S. 2900. A bill to authorize the sale of certain land in Alaska to the Harding Lake Camp, Inc., of Fairbanks, Alaska, for use as a youth camp and related purposes; to the Committee on Interior and Insular Affairs.

By Mr. DOUGLAS:

S. 2901. A bill to provide for a study of the mental and physical consequences of malnutrition and starvation suffered by prisoners of war and civilian internees during World War II and the hostilities in Korea; to the Committee on Labor and Public Welfare.

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

By Mr. BUSH (for himself, Mr. PURTELL, and Mr. SMATHERS):

S. J. Res. 124. Joint resolution designating the third week in June of each year as National Amateur Radio Week; to the Committee on the Judiciary.

MALNUTRITION OF PRISONERS OF WAR

Mr. DOUGLAS. Mr. President, I introduce for appropriate reference a bill to provide for a study of the mental and physical consequences of malnutrition and starvation suffered by prisoners of war and civilian internees during World War II and the hostilities in Korea. I ask unanimous consent that the bill and a brief statement by me describing the purposes of the bill may be printed in the RECORD.

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

The bill (S. 2901) to provide for a study of the mental and physical consequences of malnutrition and starvation suffered by prisoners of war and civilian internees during World War II and the hostilities in Korea, introduced by Mr. DOUGLAS, was received, read twice by its title, referred to the Committee on Labor

and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the War Claims Commission, in cooperation with, and with the assistance of, the Administrator of Veterans' Affairs and the Secretary of Health, Education, and Welfare, is hereby authorized and directed, within the limit of funds appropriated pursuant to the authority of this act, to make all necessary arrangements for the conduct of medical and scientific research activities to determine the mortality rates and the mental and physical consequences of malnutrition and imprisonment sustained by members of the Armed Forces of the United States and civilian American citizens who were imprisoned by enemies of the United States during World War II or by forces with which the United States has been engaged in armed conflict after June 25, 1950. The War Claims Commission shall report the results of the research activities conducted pursuant to this act to the President for transmittal to the Congress. The results of such research activities shall, to the extent practicable, be used by the War Claims Commission, the Veterans' Administration, and the Department of Health, Education, and Welfare for the purpose of determining—

(1) the procedures and standards to be applied in the diagnosis of the mental and physical condition of former prisoners of war;

(2) the life expectancy of former prisoners of war;

(3) whether there is evidence to sustain a conclusive presumption of service connection in favor of former prisoners of war for purposes of hospitalization in Veterans' Administration facilities; and

(4) standards to be applied for the evaluation of claims of American civilian and military personnel based upon the physical and mental consequences of the conditions of their imprisonment, in the event such claims are later made compensable.

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

The statement presented by Mr. DOUGLAS is as follows:

STATEMENT BY SENATOR DOUGLAS ON INTRODUCTION OF BILL FOR STUDY OF MALNUTRITION OF PRISONERS OF WAR

I am again introducing the bill to provide for a study of the consequences of malnutrition and starvation suffered by prisoners of war and civilian internees during World War II. It authorizes and directs the War Claims Commission, in cooperation with the Administrator of Veterans' Affairs and the Secretary of Health, Education and Welfare, to make arrangements for this study.

The bill is in substantially the same form as S. 513, which was approved by the Senate in the 82d Congress, though later held up on a motion to reconsider. A similar companion bill had also passed the House.

There is one significant change in this new bill. It adds to the scope of the study those prisoners of war and civilian internees imprisoned by enemies of the United States during the Korean hostilities.

The memories of the atrocities committed and the suffering inflicted on American prisoners recently released by their foes in Korea are too vivid to require recounting. Malnutrition and starvation appear to have been an accepted form of torture. A study of the physical and mental consequences of this treatment, as of the earlier imprisonment of Americans by the Japanese, is clearly essential to any plan to make just and wise provision for those who went through these crushing experiences.

Another technical change in this new bill is to substitute the Secretary of Health, Education, and Welfare for the Federal Security Administrator, named in S. 513.

More specifically, the purpose of such an inquiry, as stated in the bill, would be to determine the proper standards to be applied to the diagnosis of the mental and physical after-effects of prolonged abuse of health and its resultant influence on life expectancy. A further objective would be the determination of whether there is evidence to sustain a conclusive presumption of service-connection in favor of prisoners of war for purposes of veterans' hospitalization. Moreover, in the event additional claims of American civilian and military personnel are recognized, the results of the study would serve as a criterion in determining the extent of such claims.

The spadework for this inquiry was initiated by the War Claims Commission as a result of the directive in section 8 of the War Claims Act of 1948. By the enactment of the War Claims Act of 1948, we sought to ameliorate some of the more critical suffering arising from the last war. The Congress, however, recognized the fact that this act solved only a part of the problems, and directed the War Claims Commission to make a comprehensive study and evaluation of the residual inequities of war and to report its findings and recommendations.

The War Claims Commission's report of 1950 disclosed that many former prisoners of war, both military and civilian, assert emotional and physical disability which may be ascribed to the malnutrition and other hardships of their imprisonment by the enemy—afflictions which gain little recognition due to the lack of knowledge on the peculiar problem. According to information furnished to the Commission, it is the almost unanimous view of physicians and medical specialists on nutrition that the disabling aftereffects of imprisonment are almost universally found among former prisoners of war, and that medical science is presently unprepared to cope with the problems presented.

Several years ago there was conducted at the University of Minnesota a conference on the residues of nutritional insult. The internationally recognized experts on nutrition who participated in that conference gave serious consideration, among other things, to the related problems of former war prisoners. On the basis of the discussion conducted and the finding of the conferees, recommendations were drafted concerning necessary future steps to be undertaken in the field of nutritional insult. In this regard, it should be noted that among the tentative recommendations of the conference was one calling for a study of the type provided for in this bill.

Utilizing existing research facilities, the Commission originally hoped to be able to conclude such a study in about a year. If the bill is acted upon promptly, this should permit completion prior to the ending of the Commission's work on March 31, 1955. If the Commission should be given further responsibility and time to administer benefit programs for returned Korean prisoners, as provided in some pending legislation, however, it would have additional time also for this study.

I am very glad to note that Congressman JAMES G. FULTON, of Pennsylvania, has advised me that he intends to introduce a companion bill in the House.

FREE AND FAIR ELECTIONS IN POLAND

Mr. DOUGLAS submitted the following concurrent resolution (S. Con. Res. 58), which was referred to the Committee on Foreign Relations:

Whereas, pursuant to the agreement entered into at the Yalta conference, the Polish Provisional Government was pledged to the prompt holding of free and unfettered elections on the basis of universal suffrage and secret ballot; and

Whereas the Polish Government has refused to discharge its obligations under such pledge, although it has been repeatedly reminded of such obligations by the Governments of the United States and Great Britain; and

Whereas the Soviet Government has consistently refused to support or participate in any action designed to bring about compliance by the Polish Government with its pledge; and

Whereas until such pledge is fulfilled, harmonious relations between the Governments of Russia and Poland and the free nations of the world will continue to be jeopardized; and

Whereas action by the Soviet Government to bring about fulfillment of such pledge would do much to restore the confidence of the free nations in the sincerity of the expressions of such government with respect to her peace aims and in her faithfulness in keeping international agreements: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That (1) it is the sense of the Congress that free and fair elections should immediately be held in Poland in accordance with agreements made pursuant to the Yalta conference.

(2) The President is requested to communicate this resolution to the United States representative to the United Nations with a request that the substance thereof be brought before the General Assembly of the United Nations for appropriate action.

CIVIL AND RELIGIOUS LIBERTIES IN SOVIET SATELLITE COUNTRIES

Mr. DOUGLAS submitted the following concurrent resolution (S. Con. Res. 59), which was referred to the Committee on Foreign Relations:

Whereas one of the purposes of the United Nations is the promotion of universal respect for, and observance of, human rights and fundamental freedoms; and

Whereas the Government of Russia has subscribed to this purpose as a member of the United Nations; and

Whereas the Government of Russia has refused to permit the recognition of civil and religious liberties in its satellite countries: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of the Congress that the United Nations should take such action as it deems appropriate to bring about a recognition, in Poland, Lithuania, Estonia, Latvia, Rumania, Bulgaria, Hungary, Czechoslovakia, and all other countries under the domination of the Soviet Government, of civil and religious liberties, including (1) rights of persons accused of crime (A) to be admitted to reasonable bail, (B) not to be prosecuted for capital or otherwise infamous crimes except upon presentment or indictment of a grand jury, (C) to a public trial before an impartial jury, (D) to have the assistance of counsel and to produce witnesses and evidence in their defense, and (E) to cross-examine witnesses against them, (2) the right of members of the press of other countries to attend and report the trials of such persons, (3) freedom of worship by all peoples, (4) freedom of every church and creed to maintain its own place of worship and conduct its own affairs free from governmental interference, and (5) freedom of the priests and other ministers of such churches and creeds from unwarranted arrest or molestation under governmental authority.

(b) The President is requested to communicate this resolution to the United States representative to the United Nations with the request that the substance thereof be

brought before the General Assembly of the United Nations for appropriate action.

(c) The President is requested to instruct the Secretary of State (1) to lay the substance of this resolution before the conference now taking place in Berlin, and (2) to urge the representative of the Russian Government at such conference to recommend to his Government the taking of steps necessary to bring about the recognition of the civil and religious liberties referred to in this resolution, including the withdrawal of troops and secret police forces from those nations.

NOTICE OF PUBLIC HEARINGS ON SAVINGS AND LOAN BRANCHES

Mr. BUSH. Mr. President, as chairman of the Subcommittee on Securities, Insurance, and Banking of the Committee on Banking and Currency, I desire to give notice that public hearings will begin at 10 a. m., on Tuesday, February 16, 1954, in room 301, Senate Office Building, on the bill (S. 975) to amend the Home Owners' Loan Act of 1933, as amended.

Anyone wishing to appear as a witness should contact immediately Mr. Ira Dixon, clerk of the Senate Committee on Banking and Currency.

NOTICE OF HEARINGS ON S. 2647, THE CIVIL AERONAUTICS ACT OF 1954

Mr. BRICKER. Mr. President, I wish to make an announcement in regard to a hearing before the Committee on Interstate and Foreign Commerce. This announcement is in accordance with action by the committee.

I desire to give public notice that, pursuant to action taken by the Senate Committee on Interstate and Foreign Commerce at its meeting on February 3, 1954, the first of public hearings on S. 2647, the Civil Aeronautics Act of 1954, will be held at 10 a. m., on March 1. Representatives of interested organizations or other persons desiring to testify should communicate their request to the committee clerk at once.

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 committees.

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

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WILEY, from the Committee on Foreign Relations:

Mrs. Oswald B. Lord, of New York, to be the representative on the Human Rights Commission of the Economic and Social Council of the United Nations.

By Mr. SALTONSTALL, from the Committee on Armed Services:

George Holmes Roderick, of Michigan, to be Assistant Secretary of the Army.

CONSIDERATION OF NOMINATION OF PHILIP K. CROWE

Mr. WILEY. Mr. President, the Senate received today the nomination of Philip K. Crowe, of Maryland, Ambassador to Ceylon, to serve concurrently and without additional compensation as the Representative of the United States of America to the 10th session of the Economic Commission for Asia and the Far East, established by the Economic and Social Council of the United Nations March 28, 1947. I give notice that the nomination will be considered by the Committee on Foreign Relations after 6 days have expired.

PLAN TO DISPOSE OF SURPLUS FOODS TO NEEDY UNITED STATES CITIZENS

Mr. GILLETTE. Mr. President, on February 3 I addressed letters to the Secretary of Agriculture, the Secretary of Labor, and the Secretary of Health, Education, and Welfare, urging immediate action on a surplus-food disposal plan and asking their cooperation in drafting a sound, humane, morally desirable and administratively practical program to put Government-held food stocks on the tables of elderly and unemployed United States citizens who cannot afford an adequate diet. I ask unanimous consent that a copy of this letter be printed at this point in the RECORD.

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

FEBRUARY 3, 1954.

Hon. EZRA T. BENSON,
Secretary of Agriculture,
Washington, D. C.

MY DEAR MR. SECRETARY: It has been made abundantly clear that one of the primary concerns of the administration is to find ways to dispose of the rapidly mounting accumulation of agricultural surpluses, especially foods, that are under governmental control, and perishable or subject to deterioration. I share that concern fully and over the years have devoted considerable effort to expanding farm markets at home and abroad in such ways as increased industrial utilization of farm products, such as alcohol from grain, and improved methods of distribution to reduce price spreads and stimulate consumption, relief shipments abroad, etc.

In his recent state of the Union message the President announced the intention to seek greater foreign markets, and at your recent appearances before the Senate Agriculture Committee you disclosed plans to dispose of some billion-and-a-half dollars' worth of farm surpluses to other nations. This is a most praiseworthy objective, and has my full support, but it will be most difficult to attain in any early future.

I do not believe that in our efforts to dispose of surpluses abroad we should ignore the very great possibilities of reducing accumulated food stocks by a system of disposal to our own citizens, many millions of whom simply cannot efford to enjoy an adequate diet. Increasing unemployment means that a growing number of workmen's families will lack proper nutrition. The woefully inadequate stipend which millions of our older people receive from pensions and similar payments, makes it impossible for them to obtain the necessary strength-sustaining foods. Most important of all, I am a firm believer in the ancient rule: charity begins at home.

As of November 27 last year, it was announced that the Commodity Credit Corporation had in its custody 250 million pounds of butter, 260 million pounds of cheese, 426 million pounds of nonfat dried milk, plus lesser amounts of fat milk, as well as large quantities of canned beef and other readily consumable footstuffs. Since that time surpluses have been growing ever greater, while we find little or no prospect of disposing of them through the regular channels of commerce.

My purpose in writing you at this time is to initiate discussion of the basic thought behind a proposal suggested to me by one of my constituents and to request the cooperation of your Department in drafting legislation to implement the proposal, if it should appear worthy of implementation.

Enclosed you will find a copy of a letter addressed to me some days ago by an Iowa dairyman, Mr. C. J. O'Neil, of the O'Neil Dairy Co., of Ames, which makes the suggestion that surpluses of dairy products, such as butter, milk, and cheese be distributed through a food-stamp system to the recipients of old-age and unemployment insurance payments.

I believe the basic idea suggested by Mr. O'Neil is practicable, and that it can be made to work through the corner grocery store without dislocating normal trade or competing unfairly with products in normal business channels. I feel sure, furthermore, that the principle he advocates can be extended to include eggs, canned beef-in-gravy, and all other directly consumable farm surpluses now controlled by the Commodity Credit Corporation. While the particular method he suggests, namely amendment of the Social Security Act to provide that "any portion or all of any old-age security check could be exchanged for twice its dollar value in food stamps for purchasing such foods as are in surplus," may on analysis not prove to be the best approach and may well appear too ambitious, nevertheless the fundamentals of the proposal are sound, highly commendable, and worthy of the careful consideration of all concerned with the problem.

The concept of food-stamp plans, of course, is not a new one. There have been frequent references to the need for some such arrangement emanating from many sources in recent months. Certain of my colleagues have already taken steps in the formulation of plans to bring about the desired result. Senator GEORGE AIKEN, of Vermont, and Senator HUBERT HUMPHREY, of Minnesota, have pending before the Agriculture Committee a bill to institute a food-stamp plan, and Senator HUMPHREY has frequently brought to the attention of the Senate his dairy diet dividend plan. But to my knowledge no specific, concrete food-stamp proposal has yet been submitted by the administration for the consideration of Congress. In writing you, I seek to stimulate immediate action in that direction.

Because this is a highly complicated and technical matter, I do not wish to attempt drafting legislation without the advice, counsel, assistance, and cooperation of the experts of the Department of Agriculture and other interested Government and private agencies. I am writing in similar vein to the Secretary of Health, Education, and Welfare under whose jurisdiction falls the administration of social-security laws, and to the Secretary of Labor.

Among the many questions which arise is whether any new legislation is really needed to carry out the general proposition that persons receiving old-age pension and unemployment benefits be afforded the opportunity to obtain a more nutritious diet by means of a system of distribution of the surplus of perishable and directly consumable food stocks.

Of course, I have in mind that the Agricultural Act of 1949 provides for disposal of surplus foods "found to be in danger of loss through deterioration or spoilage before they can be disposed of in normal domestic channels." It further provides that these foods "may be made available by the Secretary and the Commodity Credit Corporation at the point of storage at no cost, save handling and transportation costs incurred in making delivery from the point of storage, as follows in the order of priority set forth: First, to school-lunch programs; and to the Bureau of Indian Affairs, and Federal, State, and local public-welfare organizations for the assistance of needy Indians and other needy persons; second, to private welfare organizations for the assistance of needy persons within the United States; third, to private welfare organizations for the assistance of needy persons outside the United States."

Under the general proposal which I am transmitting to you, surplus foods would be disposed of to the following additional groups of people through a food-stamp plan or other similar arrangement: recipients of old-age-assistance checks from State agencies, recipients of unemployment-compensation payments from State agencies, and, thirdly, recipients of social-security old-age-insurance payments.

I wish to stress that at this point I am less concerned with any particular method for placing these surpluses on the tables of those of our citizens who need them than I am with getting action. I have no preconceived notions of how to proceed. What I seek is a way to bring the needs of millions of our people, on one hand, and the accumulated surplus food stocks, on the other, into a relationship by which both problems can be mitigated and at least partially solved.

I therefore request that you assign one or more qualified staff experts from your Department to work with me and my staff, with the experts whom I am requesting Secretary Hobby to appoint, and with representatives of interested private organizations, in a concerted cooperative effort to draft such legislation as may be required to bring about the desired results. I am also making the same request of the Secretary of Labor.

To secure congressional approval of any legislation of this scope during the present crowded session will require introduction of a bill in the very near future.

The present sight of mountains of edible and nutritious foods going to waste in the face of the want and need of millions of undernourished and improverished people is abhorrent to every American. In addition, the rapidly accumulating surpluses hang like a Damocles sword over our markets and threaten the stability of our great agricultural industry.

May I close with the hope that the broad objective outlined in this letter meets with your sympathetic consideration, and that the collaboration of the interested executive, legislative, and private agencies will be fruitful and result in a sound, humane, morally desirable and administratively practical program?

With kind regards,
Respectfully,

GUY M. GILLETTE.

STATUS OF ALASKA STATEHOOD BILL

Mr. BUTLER of Nebraksa. Mr. President, I wish to make a statement to the Senate regarding the action taken this morning by the Senate Committee on Interior and Insular Affairs, so that all Members of the Senate will be advised as to the status of the Alaska statehood bill.

Last week the committee had decided that in order to reach a definite decision on this matter we would schedule a vote on reporting the bill on today, February 4. That vote was taken this morning, and the committee voted to report the Alaska statehood bill favorably, with certain amendments which the subcommittee was directed to draft. The bill, therefore, will not be presented in final form for a few days until the proposed amendments have been put in proper form.

The vote was 14 to 1 for reporting, with, however, a number of the members reserving the right to oppose the bill on the floor.

I thought this announcement might be of interest to the Senate, so that Senators may know of the progress we are making. I anticipate that within a comparatively few days we shall have a vastly improved Alaska statehood bill for the consideration of the Senate.

THE BRICKER AMENDMENT—OPPOSITION OF THE COOPERATIVE LEAGUE

Mr. WILEY. Mr. President, I send to the desk the text of a letter which I have received from Mr. Wallace J. Campbell, director of the Cooperative League of the United States of America, expressing the opposition of that fine organization to the dangerous Bricker amendment.

I ask unanimous consent that the text of the letter be printed at this point in the body of the RECORD.

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

THE COOPERATIVE LEAGUE OF THE U. S. A.,
Washington, D. C., February 3, 1954.

Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: We just wanted you to know that the cooperative league at its annual meeting in Chicago last week voted to support the President in opposition to the Bricker amendment. As you know, the league represents about 2 million farm and city families who are members of consumer, purchasing, and service cooperatives.

Our people feel very strongly that in these crucial times we should not cripple the Executive in negotiations with other countries, and while some changes may be needed, none should be made precipitately at this time.

Sincerely yours,

THE COOPERATIVE LEAGUE,
WALLACE J. CAMPBELL.

THE BRICKER AMENDMENT—LETTER FROM AUDUBON SOCIETY

Mr. WILEY. Mr. President, a great deal has been made of the Missouri against Holland decision in connection with the debate on the Bricker amendment. What is not realized by some folks apparently is that if this decision were to be upset by the so-called which clause, it would in its essence strike a harmful blow against the very backbone of international efforts in the field of conservation of wildlife, in addition to a thousand and one other harms it would inflict.

I send now to the desk the text of a letter sent to me by the President of the National Audubon Society, enclosing a telegram which that renowned organization sent to President Eisenhower opposing the Bricker amendment.

I ask unanimous consent that these messages be printed in the body of the RECORD at this point.

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

NATIONAL AUDUBON SOCIETY,
New York, February 2, 1954.

The Honorable ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: Enclosed please find a copy of the telegram which was sent to President Eisenhower last week immediately after the meeting of the board of directors of this society.

Sincerely yours,

JOHN H. BAKER,
President.

JANUARY 28, 1954.

President DWIGHT D. EISENHOWER,
The White House,
Washington, D. C.:

At today's meeting of the Board of Directors of the National Audubon Society it was unanimously voted that you be advised of the society's full support of your opposition to the Bricker amendment to the Constitution as proposed and that you be urged to stand fast against any compromise or weakening of the existing treatymaking power of the executive against the legislative arm of the Federal Government and against any action granting, in effect, veto power on treaties to any State. To the society it seems of utmost importance that the validity of the decision in Missouri against Holland be sustained.

JOHN H. BAKER,
President, National Audubon Society.

THE BRICKER AMENDMENT—PHILADELPHIA RADIO DISCUSSION

Mr. WILEY. Mr. President, I have read with extreme interest the text of a radio panel discussion involving the Bricker amendment recently broadcast from a Philadelphia station. The text was forwarded to me by Mr. Raymond Pitcairn, and I believe that it is an important contribution to public thinking on this issue.

I send to the desk the text of the program, and ask unanimous consent that it be printed at this point in the body of the RECORD.

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

PANEL DISCUSSION OF BRICKER AMENDMENT
(RAYMOND PITCAIRN AND OTHERS)

ANNOUNCER. Public discussion is growing throughout the country over the Bricker amendment, as another historic debate is in the making. The issue now comes before the Senate of the United States. Belatedly, the average man and woman is becoming increasingly interested in what the Bricker amendment is, and what effect it will have on the lives of all of us. In the true American tradition, issues of this kind can best be made clear through public debate and public discussion. We have with us tonight, Mr. Raymond Pitcairn, prominent Philadelphia lawyer and longtime student of constitutional government, who is deeply concerned in the question. In hometown fashion, he explains the issue and discusses it with a group of his friends and neighbors. Their discussion and views on the subject

may help you, our listeners, better to understand the Bricker amendment. Mr. Pitcairn.

Mr. PITCAIRN. I appreciate this opportunity to discuss what I believe is an issue of greater importance to the future of this country than most people yet realize. Some of my neighbors have come here with me tonight to talk about this problem. First let me introduce Dr. William Whitehead, professor of political science in our Bryn Athyn College. Dr. Whitehead.

Dr. WHITEHEAD. Thank you, Mr. Pitcairn. I have been impressed by what certainly is an organized hysteria behind this Bricker proposal. For example, the Committee for Constitutional Government, Inc., claims to have some 75 nationwide organizations already lined up behind the amendment, ranging all the way from the American Legion to the American Council of Christian Churches. This propaganda is high-pressuring the public to get them to stampede the Senate. The type of adroit, misleading arguments being used makes me feel the public has a right to the actual facts. Won't you then, Mr. Pitcairn, tell us in a plain, direct way, just what the Bricker amendment means?

Mr. PITCAIRN. The public certainly needs more information. Senator BRICKER'S amendment provides that after the President negotiates and signs a treaty, and after the Senate ratifies it by a two-thirds vote, Congress must pass a law by a majority vote of each House in order to make the treaty effective. And where treaties deal with matters affecting State law, such as reciprocal rights to own property and to carry on business here and abroad, the treaty would also have to be passed by both legislative houses of each of the 48 States and be approved by the 48 governors. And what is unbelievable, the legislative vote of one State would veto and thwart the will and block the action of all the other States and of the United States Government itself. All this would consume precious time which could have tragic consequences.

Dr. WHITEHEAD. Thank you Mr. Pitcairn. I think that's a clear, concise statement on what the Bricker amendment really is. But our friend, Sig Synnestvedt, professor of history in our local college, has a question. Mr. Synnestvedt.

Mr. SYNNESTVEDT. Mr. Pitcairn, would the Bricker amendment strengthen the Constitution or damage it?

Mr. PITCAIRN. It would most seriously damage it. It would drastically restrict and curtail the power of both the President and the Senate in dealing with foreign affairs—a power much needed in the past, more needed today, and which wil be needed always by future Presidents and Senates. Today we are fortunate in having a President who is a proven expert in dealing with representatives of foreign nations. Yet the backers of the Bricker amendment would shackle and bind the President's hands in his conduct of international affairs. It would strip him of the necessary authority which every President has exercised since the establishment of our Republic.

Dr. WHITEHEAD. Then, Mr. Pitcairn, how did it happen that the Bricker amendment has gained so much support?

Mr. PITCAIRN. The Bricker amendment when first proposed seemed reasonable to many, including a large number of Senators, who did not realize its implications and practical effects. But as it was examined by experts on constitutional law, its dangerous fallacies were detected, and today it is almost unanimously denounced by competent authorities on constitutional law everywhere. Senator BUSH, of Connecticut, one of the original cosponsors of the amendment, was the first Senator openly to break away from the support of the amendment; and others are now following.

Mr. SYNNESTVEDT. But why at the outset did so many Senators indicate their support of the Bricker amendment?

Mr. PITCAIRN. I believe they were caught off guard. One reason was because of a fear that the Executive power might be used some day to land us into another Yalta. But, as the New York Times leading editorial, last Sunday, remarked: "Serious mistakes can be made in executive agreements, as did happen at Yalta. But the Bricker amendment does not protect us against these dangers. If the President and two-thirds of the Senate can make a serious mistake, so can the President plus both Houses of Congress." Moreover, since Yalta Congress has passed legislation requiring publication of all executive agreements.

Dr. WHITEHEAD. That is a plain statement of the fallacy of the Bricker amendment. Mr. Pitcairn, Miss Creda Glenn wants to ask a question. She is, as you know, deeply interested, like many other American women, in questions which affect the whole family. Miss Glenn.

Miss GLENN. Certainly it is as impossible to make a man wise by law as it is to make him good by law. Do I gather then, Mr. Pitcairn, that you believe the Bricker amendment would greatly weaken the power of this country in the handling of international affairs?

Mr. PITCAIRN. Most certainly it would. In fact, it would go even further. It would paralyze our foreign policy. Many commentators agree that the Bricker amendment, in effect, is not so much a plan to prevent the making of bad treaties or dangerous executive agreements at all. It is a plan to make it impracticable to make any treaties. We hope the Senators who have been supporting Mr. BRICKER will realize this fact before it is too late.

Mr. SYNNESTVEDT. Mr. Pitcairn, may I break in to make another point?

Mr. PITCAIRN. Yes, Mr. Synnestvedt.

Mr. SYNNESTVEDT. These advocates of the amendment are really trying to prevent the United States from playing its needed part in world affairs. The effect of the Bricker amendment would be to hopelessly divide power over the conduct of foreign affairs. And it would certainly confuse every nation that does business with us. As a student of American history, I would say it will bring back much of the impotence and confusion which prevailed prior to the Constitutional Convention of 1787.

Miss GLENN. Mr. Pitcairn, what does the President himself think of this amendment?

Mr. PITCAIRN. President Eisenhower has thrown his entire weight against it. In his recent letter to the Senate he said: "I am unalterably opposed to the Bricker amendment. It would so restrict the conduct of foreign affairs that our country could not negotiate the agreements necessary for the handling of our business with the rest of the world. Such an amendment would make it impossible for us to deal effectively with friendly nations for our mutual defense and common interests." Continuing, the President's letter says, "These matters are fundamental. We cannot hope to achieve and maintain peace if we shackle the Federal Government so that it is no longer sovereign in foreign affairs. The President must not be deprived of his historic position as the spokesman for the Nation in its relations with other countries." The President warns that the Bricker amendment, and I quote: "Would be notice to our friends as well as our enemies abroad that our country intends to withdraw from its leadership in world affairs. The inevitable reaction would be of major proportion. It would impair our hopes and plans for peace and for the successful achievement of the important international matters now under discussion. This would include the diversion of atomic energy from warlike to peaceful purposes." And as you may recall, at a recent press conference, the President pointed out that each one of the States under the Articles of Confederation had a right to repudiate a treaty, and because of this fact the Founding Fathers had provided that a treaty properly ratified should take precedence over any State law.

The President further indicated that the Bricker amendment would take us back to the general system which prevailed before the Constitution was adopted. He said he most certainly could not agree to such a proposal.

Dr. WHITEHEAD. A lot of people are fearful about the amount of power given to a President. However, are the President's traditional powers really necessary?

Mr. PITCAIRN. The answer to that is simple. If it was important to give the President sufficient power in international affairs in the horse-and-buggy days of 1787—when we were an infant Nation—how far more vital is it now in the day of the jet plane and the atom bomb. In the First and Second World Wars, time was on our side, but—just as the oceans that once protected us have shrunk—we have lost the advantage of time.

Miss GLENN. Some people have expressed to me their fear that treaties and agreements made by the President would grant powers that affect our individual rights to other nations or to the United Nations. Are we sufficiently protected?

Mr. PITCAIRN. The answer is that the Constitution already provides adequate protection against unwise treaties. First, to become effective, the Senate must ratify every treaty by a two-thirds vote. Second, a treaty or agreement cannot override the Constitution itself. Third, Congress can at any time, by simple legislation, nullify and override any treaty after it has been adopted. These existing provisions are ample safeguards. I am glad you brought up that point, Miss Glenn, because I particularly want to refute the propaganda that treaties can override the Constitution and the Bill of Rights. This simply is not true.

Dr. WHITEHEAD. In other words, Mr. Pitcairn, Senator BRICKER is trying to scare people with the idea that treaties can take away individual rights or States rights; and in this he is misrepresenting the issue. For example, Senator BRICKER recently charged that "reactionary one-worlders" are trying to vest legislative powers in * * * nonelected representatives of the United Nations Socialist-Communist majority." Now is that a fact?

Mr. PITCAIRN. Absolutely no. Senator BRICKER'S statement itself is reactionary and is designed to cripple our relations with and undermine our confidence in the United Nations. He knows, as you know, that no United Nations treaty could supersede the United States Constitution. Under the guise of protecting individual rights, Senator BRICKER would have us turn around and go down the road to isolationism.

Dean KLEIN. How does the Constitution afford sufficient protection against unwise treaties, even United Nations treaties?

Mr. PITCAIRN. Under article VI, section 2, of the Constitution, a treaty is a legislative act just as much subject to the Constitution and to repeal or amendment as any other legislative act. The Supreme Court has so decided several times.

ANNOUNCER. Mr. Pitcairn, before we end this broadcast, will you tell us why you think that the Bricker amendment is so dangerous a move at this time?

Mr. PITCAIRN. It is a dangerous step because, for the sake of America and the whole free world, our President must be able to act quickly and decisively. It is not a question of giving him unlimited power; but leaving him enough power to enable him to do his

job. Today the world looks anxiously to us for powerful and prompt leadership. In foreign affairs we must act as one Nation—not 48 separate nations. We must not, out of a spirit of needless fear and distrust, strip the Presidential office of its time-honored constitutional authority to deal with foreign nations. To sum up, the Bricker amendment is born of unjustified fear that our President or some future President may sell our Government down the river; that the United States Senate cannot be trusted to guard the Nation against unwise treaties; and that the United States Supreme Court will reverse the law which it has established and decide that the President's treaty power can override the Constitution through which alone he derives his power. Finally, as Senator BUSH has said, in a speech at New Haven, the Bricker amendment "would hamstring this great Nation in a time of world crisis, when we must be able to move swiftly and resolutely."

Therefore, I urge everyone of you interested in the safety of this country to move swiftly and resolutely now, by writing or wiring to your Senators asking them to defeat the Bricker amendment.

ANNOUNCER. You have just heard a program sponsored by Raymond Pitcairn and his friends on the issues of the Bricker amendment.

FLEXIBLE FARM PRICE SUPPORTS—COMMENTS BY SENATOR WILEY

Mr. WILEY. Mr. President, recently I was invited by the North American Newspaper Alliance to present comment on the issue of our future farm program. Certain questions were put to me, and in response, I prepared a detailed statement. That statement is being printed in leading newspapers throughout the Nation today.

I send to the desk the text of my comments, and ask unanimous consent that it be printed at this point in the body of the RECORD.

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

SENATOR WILEY INSISTS ON 90 PERCENT "PLUS" FARM PRICE SUPPORT

I shall speak for, vote for, and fight for dairy price supports at or above 90 percent of parity.

I believe that it could lead to catastrophe to follow any proposed flexible-parity program which would permit dairy prices to sink still further.

It could set off a chain reaction of economic disaster for America. Every major United States depression in the past has had its inception in a recession in agriculture which quickly spread throughout the rest of the economy.

Were a farm recession to deepen, the consequences could be extremely harmful to the Republican Party and the Republican administration. But wholly aside from any political consideration, the health of farming, particularly family size farming, is especially important today in view of our worldwide responsibilities.

As chairman of the Senate Foreign Relations Committee, I believe that it would be wrong for me to be engaged in two inconsistent objectives abroad and at home:

1. To strive, as I will, for continued sound American military and economic aid to the free countries of the world; while at the same time,

2. even to consider voting for a program which would depress farm prices still further. Such skidding prices would endanger America's prosperity—on which the whole free world depends.

If we have billions to contribute abroad for our defense, we should devote a few hundred millions to sustain the welfare of the crucial farm segment of our population. Not only charity, but the exercise of enlightened self-interest should begin at home. Aid against international communism has never constituted charity, nor has parity aid for American farming.

Actually the farm program has not cost a fraction of what the foreign-aid program has cost. Moreover, it is not a question of one program or the other; it is a matter of both programs being carried out.

I fully respect the concern of the administration over the headache of mounting farm surpluses. I believe, however, that we are not lacking in sufficient ingenuity and intelligence to find constructive and immediate answers to the farm surplus problem—without putting the farmer through the economic wringer.

It may be easy enough for some city people to say, "Drop the floor on farm prices from 90 to 75 percent." What those persons may not realize is that as the floor is pulled from under the farmer and his income nosedives by 15 percent, he is going to hit the lower income floor with terrible impact. The shock of his fall would be felt throughout the American economy.

Already, the decline in farm prices has been felt in the farm-machinery industry, and in every other industry directly dependent upon rural purchases. The number of farms which are up for auction today are reflected immediately in the number of business failures in villages and towns, in unemployment and underemployment of labor and in other economic dislocation radiating throughout America.

With particular reference to dairying, I look for a solution to the farm-surplus problem through such means as—

(a) Increased consumption by Americans of dairy products—for their own health and well-being.

(b) Increased research designed to find new chemical byproducts for milk.

(c) Sound distribution of surpluses through the school-lunch program and through aid to underprivileged groups in our own population.

(d) Distribution of surpluses through CARE and other established overseas channels, without depressing world dairy prices.

Regardless of how strongly the administration may feel on the parity issue, I do not believe that the 83d Congress will permit the dairymen to suffer still further and that it will permit dairy parity to be lowered.

I do not take this position simply as the senior Senator from Wisconsin—the leading dairy State of the Nation. I take it in the interest of America as a whole, in the interest of dairying as a whole.

Dairying is the single greatest source of cash farm income. Dairying is crucial to the health of American soil. If we can maintain high price support of tobacco, for example, which contributes little or nothing to the soil or to men's health, we can support dairying, which builds bodies, just as it enriches the soil. Dairying is not simply one kind of farming; it is a way of life in itself—constructive and wholesome.

What I have to say about dairying, however, applies to other phases of American farming.

If the American farmer's income drops further, he cannot possibly pay his State and local taxes for school, highway, and other purposes; nor can he pay his Federal taxes at the level which he has been paying.

Upon the continued inflow of that tax revenue depends Uncle Sam's ability to fulfill his international commitments. In a very real sense, therefore, the American farmer is carrying on his back the European farmer, and the South American farmer, and the free world's city dwellers as well.

Our farmers cannot share that world-wide burden unless they are assured their cost of production, plus a reasonable profit.

The parity formula is obsolete to begin with, and does not adequately reflect mounting costs of farm labor, feed, and machinery. To compound the farmer's troubles and to lower the parity level is to risk economic disaster.

RELIGIOUS FREEDOM FOR AMERICAN PERSONNEL IN SPAIN

Mr. CASE. Mr. President, recently the question has been raised as to whether there will be religious freedom for American personnel in Spain in connection with development of new bases there.

The fear was expressed that American personnel in Spain might be restricted on their exercise of religious freedom by Spanish regulations imposed through our agreements with that country.

When this matter was brought to my attention I immediately wrote to the Secretary of State for a statement in the matter.

Under date of January 25, 1954, Assistant Secretary Thruston B. Morton answered and I am glad to report that there will be no such restriction. Here is the nub of the reply:

There is nothing in the agreements which contravenes the right of American military personnel in Spain to worship freely, a principle which the United States Government defends everywhere. In those military areas where United States military authorities will have primary jurisdiction, American soldiers will have the same facilities for worship which they enjoy at other United States installations abroad. While visiting in other parts of Spain, American military personnel will have the same opportunities and privileges for religious worship as are granted to their fellow citizens who may be tourists or residents in the country. There are approximately 170 Protestant chapels in Spain.

THE PRICE OF COFFEE—SUGGESTED SUBSTITUTE

Mr. FREAR. Mr. President, along with many other Americans, the junior Senator from Delaware has noted the increase in the price of coffee to the consuming public. In these days, when the cost of living is already very high and with layoffs occurring in some industries, it is unfortunate that housewives are confronted with a situation which makes their job of balancing the family budget all the more difficult.

I have just been appointed to a subcommittee which will investigate the coffee situation; I look forward to that assignment with much anticipation and in the hope that it will bring favorable results to the consumer.

Meanwhile, Mr. President, while coffee prices remain high, we are at the same time faced with a large surplus of dairy products produced here in the United States. I am not acquainted with the total quantity of coffee consumed in the United States, but it is certainly extensive even with the currently inflated

prices. It seems to me that the people of this Nation might successfully take steps to lessen the impact of high coffee prices and at the same time help to reduce our surplus dairy products. This could be done by substituting milk at 1 or perhaps 2 meals where coffee is now used. Unquestionably, at today's prices, milk is cheaper than coffee. In addition it is certainly far more nourishing, rich, and satisfying. American milk producers have brought their product to the highest peak of perfection through constant improvements in their methods of handling and distribution. I may add that our excellent standards of milk production have been very expensive for the American farmer.

I have no desire to handicap those countries which produce coffee. But in terms of dollars and cents, I know that American housewives, by substituting milk for coffee at 1 or perhaps 2 of their family meals, will effect a monetary saving to themselves, and will assist in alleviating the problem of the farm surpluses—both of which are of fundamental importance to all of us here in the United States.

THE WETBACK PROBLEM

Mr. DOUGLAS. Mr. President, following the deep concern I have expressed from time to time in the Senate over the invasion of our southern border by millions of illegal entrants or wetbacks, I addressed an inquiry about the matter to the Attorney General of the United States on last June 15.

I was greatly pleased in August and September to read newspaper reports that the Attorney General shared this concern and was planning action or recommendations to relieve the situation.

On November 20, 1953, the Department of Justice replied to my earlier letter, and furnished convincing evidence of the startling dimensions of this illegal invasion by over 4 million persons, of the consequent danger to our internal security, and of the resulting serious injury to citizens of this country who are displaced from their jobs.

Now the negotiations with Mexico for legal immigration of farm labor have broken down, and no outlines of a remedial program by our Government have yet been revealed. It seems to me essential, therefore, to note again the seriousness of the problem, as revealed in my exchange of correspondence with the Department of Justice; the inadequacy of the announced objectives of our Government in its dealings with Mexico; and the main points of an immediate program to deal with this situation. I have done this in a further letter dated January 21, 1954, to the Attorney General.

For the information of Members, therefore, I ask unanimous consent to have printed in the RECORD my letters of June 15, 1953, and January 21, 1954, to the Attorney General; and the response, dated November 20, 1953, from the Assistant Attorney General, J. Lee Rankin. I also ask unanimous consent to have printed in the RECORD a recent article on Migratory Workers, written by the outstandingly able Archbishop Robert E. Lucey, of San Antonio, and published in the January 15, 1954, issue of Commonweal.

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

LETTER FROM SENATOR PAUL H. DOUGLAS TO ATTORNEY GENERAL HERBERT BROWNELL

JUNE 15, 1953.

Hon. HERBERT BROWNELL,
Attorney General of the United States,
United States Department of Justice,
Washington, D. C.

MY DEAR GENERAL: As you well know, our country has a most serious immigration problem with respect to illegal entry over the southern border. My legislative record reflects a continuing concern for several years with this illegal traffic which, rather than diminishing, increases with staggering momentum each year. Illegal entries over the southern border have reportedly risen over 6,000 percent during this last decade. Voluntary departures of these entrants so far this year indicate that 1953 will set a new record above last year's mark of three-quarters of a million persons.

I don't need to remind you of the problems posed by this wholesale illegal immigration: Wages and working conditions of American workers are severely depressed; Mexican workers are exploited; American citizens are made displaced persons in their own land; death and disease rates run fantastically high in areas of greatest concentration; illiteracy is widespread in such areas; racial discrimination against Americans of Mexican ancestry is appearing where none existed before; lawlessness and crime are spreading; the narcotics traffic is abetted; and the apprehension, detention, and return of these hundreds of thousands of illegal entrants is costing American taxpayers greater sums each year.

Not only am I gravely concerned by our own failure to adopt measures which would bring this traffic under control, I am also concerned by the failure of the Mexican Government to adopt such measures. Mexico is vocal in denouncing this illegal immigration, but seemingly takes no steps to halt it.

I hope you are putting this problem high on your list of items requiring urgent attention. To assist in our consideration of the matter in Congress, could you furnish to me, first, the up-to-date figures of deportation of such illegal entrants for the first 5 months of 1953, with monthly and annual totals for 1950, 1951, and 1952? Secondly, to the extent to which it can be disclosed, I would be glad to be advised of the progress of the negotiations with the Mexican Government for legal, farm-labor importation. Thirdly, I would appreciate your comments on the dangers to national security through the entry of enemy agents under cover of this heavy illicit traffic over our southern border.

Finally, inasmuch as your Department has enforcement responsibilities on immigration, it occurs to me that persons most affected by this traffic may have written of their plight, asking you to enforce the law. Accordingly, I am wondering whether you may have any material in your files indicating the effect of this illegal immigration on wages, displacement of American citizens, on lawlessness and crime, or on any other of the problems which it brings in its wake. If you should have such material, I should very much appreciate your making it available to me.

Your assistance on these requests will be greatly appreciated and will aid us as we consider appropriate legislation.

Faithfully yours,

PAUL H. DOUGLAS.

LETTER FROM ASSISTANT ATTORNEY GENERAL J. LEE RANKIN TO SENATOR PAUL H. DOUGLAS

DEPARTMENT OF JUSTICE,
Washington, D. C., November 20, 1953.

Hon. PAUL H. DOUGLAS,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: Reference is made to your letter of June 15, 1953, addressed to Attorney General Brownell and referred to this office for reply, in which you expressed concern over reports of the increasing number of illegal entries into the United States across the Mexican border. As you know, the Department of Justice has given top priority to this problem, and I delayed replying to your letter until our study was complete in order that I might be in a position to give you the factual information you requested in full.

Since January 1, 1953, the border patrol of the Immigration Service has apprehended over 880,000 Mexican aliens illegally within the United States. Some were deported, but the vast majority of them were permitted voluntary departure in lieu of deportation. The monthly apprehension figures for this year are:

January	66,725
February	62,413
March	73,176
April	86,502
May	93,484
June	93,634
July	102,192
August	107,734
September	97,829
October	93,598

I am also enclosing, as you requested, a table showing monthly border patrol apprehensions for the fiscal years 1950, 1951, 1952, and 1953. A comparison of the 1950 total with that for 1953 shows that apprehensions have almost doubled in the last 4 years, and that the number of apprehensions, now approximately 100,000 a month, will bring next year's fiscal total to well over the million mark. This is borne out by the fact that there were 406,353 apprehensions in the first 4 months of the present fiscal year.

One of the major factors contributing to this annual increase in apprehensions has been the fact that many of the provisions of the 1951 migrant labor agreement with Mexico have proven so costly and unsatisfactory that many farmers have refused to contract for legal labor. Perhaps the most unrealistic restriction has been the refusal on the part of Mexico to permit border recruiting, despite the fact that there are thousands of qualified workers in border areas in need of employment and many farmers on our side of the border who require the services of Mexican labor.

The present agreement expires December 31, 1953, and negotiations for a new agreement are already being conducted through Ambassador White and formal conferences between representatives of both Governments are expected to begin within 2 weeks. We have advised the Mexican Government that we expect to obtain substantial modification in the present agreement in articles dealing with wages, subsistence, insurance coverage, blacklisting of employers, and workers' obligations. We have also asked for a new article to authorize border recruiting with adequate safeguards, and a provision to permit the withholding of a portion of the worker's salary to guarantee faithful fulfillment of his contract obligations. In the past "skips" have been a serious problem, because there was no incentive for a worker to remain on the job if more attractive employment was offered elsewhere.

We are hopeful that pending negotiations will result in an agreement for a recruiting program which will be simpler, more attractive, less expensive to the users, and less cost-

ly to the Government. The Mexican Government has indicated it is willing to make concessions on some of the more onerous provisions, and is agreed in principle to border recruiting. As you know, until sufficient domestic workers are available we must continue to draw upon Mexican workers to assist in the planting and harvesting of crops. A workable program will not only be beneficial to the farmers, but will do much to solve the wetback situation. If our border patrol was relieved of the overwhelming enforcement problem arising from the agricultural program, it would be free to concentrate on subversives, smugglers, and other undesirables who seek illegal entry into the United States from Mexico.

You have also requested our opinion on the dangers to national security caused by this heavy flow of illicit traffic over our southern border. I regret that I am unable to report any exact figures, but the Immigration Service conservatively estimates that for each apprehension, three Mexican aliens cross the border and either return undetected or infiltrate into our northern industrial areas. This means that during 1953 over 4 million persons will have entered the United States illegally from Mexico. The great majority are "braceros," who seek only seasonal employment, but it is apparent that this border is also an easy avenue of entry into our country for almost any number of Communists or foreign agents from Mexico, Guatemala, Dutch Guiana, and, entry into Mexico being as easy as it is, from any country in the world. The seriousness of this situation is self-evident; until this border is brought under control our internal security program will remain in jeopardy.

Finally, to provide you with some idea of the effect of this invasion on wages, standards of living, and our own domestic agricultural workers, I am enclosing some correspondence received from residents in the border area and a photo-offset of a newspaper article which appeared in the California papers.

Please feel free to call on us at any time we may be of assistance to you.

Sincerely yours,

J. LEE RANKIN,
Assistant Attorney General,
Office of Legal Counsel.

Persons apprehended by the Border Patrol

	Fiscal year 1950	Fiscal year 1951	Fiscal year 1952	Fiscal year 1953
July	33,410	38,410	59,835	67,101
August	87,013	40,130	61,473	87,807
September	29,104	42,186	38,061	53,322
October	25,282	40,029	37,266	52,520
November	19,565	40,573	33,137	46,706
December	21,340	32,501	30,027	55,759
January	27,167	33,432	36,151	66,725
February	37,016	36,759	40,375	62,413
March	40,918	51,637	45,662	73,176
April	45,078	64,070	46,720	86,502
May	56,178	51,899	49,645	93,484
June	47,510	38,729	53,367	93,634
Total	469,581	510,355	531,719	839,149

LETTER FROM SENATOR PAUL H. DOUGLAS TO ATTORNEY GENERAL HERBERT BROWNELL

JANUARY 21, 1954.

Hon. HERBERT BROWNELL,
Attorney General of the United States,
Department of Justice,
Washington, D. C.

MY DEAR GENERAL: I appreciate the letter of November 20, 1953, on the wetback situation from Assistant Attorney General J. Lee Rankin which replied to my letter of June 15, 1953, and which was awaiting me on my recent return to Washington.

It is clear from Mr. Rankin's letter and from press reports of our negotiations with Mexico that this problem is growing in seriousness. His estimate that "during 1953 over 4 million persons will have entered the United States illegally from Mexico," reveals the immensity of the human wave with which our national policy must deal.

I am also glad that his reply reveals a growing awareness of the grave dangers that hidden away in this flood enemy agents may secure admission to this country and that "until this border is brought under control our internal security program will remain in jeopardy."

The letters which Mr. Rankin enclosed from resident workers in the border area further confirm my fears that our own citizens are being displaced by these illegal entrants, not only from farm jobs, but also from industrial (in these cases, railroad) employment. I know we also feel the effects of such displacement in sections far from the border, as in my own home area of Chicago.

In the face of these facts and the rise in our own unemployment, I have serious doubts from the point of view of our national interest about the adequacy or desirability of the announced objectives of our negotiations with Mexico on the contract labor situation. Rather than break down the standards and protections previously set up for Mexican contract workers and easing their introduction into this country, would it not be preferable to try to extend these benefits to our own farm workers and lessen, rather than increase, the reliance on this foreign contract labor? I know the farm owners need labor. But it seems to me we should give priority to our own citizens and fix standards which will not exploit individuals or debase community living conditions.

In terms of our total policy in halting the flood of illegal entrants and stopping the entry of enemy agents, can we look to the administration also for support for (1) S. 1567, to establish a Federal Committee on Migratory Labor; (2) more adequate appropriations for the border patrol; and (3) legislation like that previousy passed in the Senate to make the knowing employment of illegal entrants a misdemeanor?

There is much more that needs doing in this complex situation. Enforcement of child-labor laws and provisions for the education of migratory children are among the most obvious requirements. But I hope the minimum steps listed above, or some even better alternatives, may have your active support. We cannot afford to let this situation which Archbishop Lucey, of San Antonio, has described as an international scandal drift and allow the national and human interests so clearly at stake to be endangered.

Faithfully yours,

PAUL H. DOUGLAS.

[From the Commonweal of January 15, 1954]

MIGRATORY WORKERS — EMPLOYERS' GREED, POWER POLITICS, EXPLOITATION, CHILD LABOR, AND GENERAL NEGLECT HAVE PRODUCED A SITUATION WHICH IS THE SCANDAL OF ALL THE WORLD

(By Robert E. Lucey[1])

For half a century reports have been written about migratory labor, but not very much has been done about it. The problems of migratory workers are many and serious. No single solution to these problems is possible, but a great deal can be done, and must be done, for these displaced persons. Most of them are American citizens; some are Mexican nationals working here on contract; others are illegal aliens, generally known as wetbacks.

In American industry the working people to some extent are organized; they have a voice and a vote in their government and in their jobs. They have raised their own standards of living and that of millions of fellow workers who are unorganized. They are a stable, substantial segment of American life. But in agriculture the nonmigratory laborers who work in the county of their residence are for the most part unorganized. The vast majority of those who are migrants, wandering from county to county and from State to State during the harvest season, must take what they get in the matter of wages, hours of labor, and conditions of work. The wetbacks, of course, are utterly defenseless in the labor market. This lack of organization among workers in agriculture is a great misfortune for them, a temptation to injustice on the part of many employers, and a weak spot in the American economy.

So far as the workers are concerned, whether farmhands or migrants, it is doubtless true to say that many of them are treated with some measure of justice by farmers, ranchers and growers. But the income of agricultural labor is decidedly below that of industrial labor with due regard to differences in the cost of living.

The lot of the migrant is worse than that of the farmhand with steady employment in one place. In the case of the migrant, there is great uncertainty about wages, housing, hours of work, weather, health, transportation, and even employment itself. In a bad year many a migratory family comes home dead broke. Even when weather and crops are favorable, there may be labor surpluses in many areas and consequent unemployment for some.

Conditions in this segment of agriculture are chaotic. Workers are attracted to certain areas by radio announcements, newspaper ads, grapevine information, rumors and advice from the employment services. If American industry got its employees in that fashion the whole country would be in chaos. It is true that labor recruiters and crew captains deliver workers to employers, but they cannot control either the weather or the crops. It is also true that this whole thing is seasonal and temporary, but there need not be so much hopeless disorder. The Federal Government, State governments, employers associations, and labor unions ought to cooperate to put order into this situation.

Congress has shamefully disregarded the needs and the rights of American citizens in the migratory labor force. These workingmen and women and children are making a tremendous contribution to our economy at great personal sacrifice. One shudders to think of their sacrifices—absence from home as much as 6 months of the year; precarious employment: low annual wages; little or no education for the children; housing that may be fair, poor, unspeakable or just the shade of a tree; constantly moving from one place to another; long hours of stoop labor even for women and children; abominable health conditions, meager food and often no sanitation; lack of priests who speak their language and lack of churches easily available.

Why should any sane man take his wife and children on such an adventure? The old Romans had a saying which went: Primum est vivere—the first thing to do is to live; if you can't survive you are finished. The migratory laborer has to work to live. He is unskilled in the ways of industry and turns to agriculture. All the jobs in his area may be taken by Mexican nationals working on contract or by wetbacks. The American citizen has no alternative but to seek employment elsewhere. The Mexican national may be paid 50 cents an hour, with a shack to live in; the wetback will work for 20 to 30 cents an hour and live in the brush.

[1] Most Rev. Robert E. Lucey is the archbishop of San Antonio.

An American family, regardless of low living standards, cannot survive on 50 cents an hour.

More than 200,000 Mexican nationals are brought into our country every year to work in agriculture because the farmers and growers claim that they cannot get domestic workers to harvest the crops. The work is seasonal, and the laborers must be available promptly to bring in the harvest. The Employment Service may not certify a shortage of labor unless sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work. That word "willing" is the key to the situation. If a substantial number of American agricultural laborers in a given area are not willing to work for starvation wages, they create a labor shortage in that area and alien workers may then be brought in.

The Mexican national, here on contract, is supposed to be paid 50 cents an hour or the "prevailing wage," whichever is greater. During hearings held by the President's Commission on Migratory Labor the question was sometimes asked: "How do you discover the prevailing wage?" The method described was interesting. Some growers in a given area would get together and decide what wage they would pay. That was then the prevailing wage. Some growers claim that 50 cents an hour is too high and they don't like laws which interfere with human liberty. There was a time when the Supreme Court of the United States held that a minimum wage law was unconstitutional because it violated liberty of contract. Some growers still believe that to pay starvation wages is a natural right.

The international contract agreed upon by our Government and that of Mexico not only stipulated a minimum wage but had certain requirements regarding housing, health, unemployment, and death. No such safeguards are granted to American migratory workers. The Congress of the United States, aided and abetted by certain powerful growers' associations, has seen to it that native-born American citizens in the migratory labor force have not even a minimum of protection by social legislation. It is passing strange that a little group of willful men can so sway the Congress of the United States.

If American citizens receive such harsh treatment, pity the poor wetback. American migrants can be exploited, defrauded, and subjected to every manner of injustice but they cannot be deported; the illegal alien must keep a sharp lookout for the Immigration Service in the Department of Justice.

The growers who like foreign slave labor, even when their own fellow citizens are unemployed, can concoct a rather persuasive argument for their iniquity. After all, these illegal aliens are human beings and children of God. They are creatures of marvelous dignity and sublime destiny. They are good workers, honest, faithful and docile. Many of them are married men who seek only to support themselves and their families. Work is scarce in Mexico and wages in agriculture are pitifully low. By working 12 to 14 hours a day in Texas at 20 cents an hour their income is much better than it would be in their homeland. They save their money and send most of it back to Mexico to support their families in decent and frugal comfort as becomes these honest working people. And, anyhow, Americans won't do stoop labor; they aspire to something higher.

Thus the grower becomes, in a small way, a benefactor of humanity—generous, upright and benevolent. After all, this is a free country and a man may hire whom he chooses. The fact that the employee is here illegally is a mere coincidence; he is still a man with all the rights and needs inherent in his nature. He must work to live. The grower wants to help him.

Plenty of people in our country do not see the sophistry of these excuses which are offered to hide crimes of greed and injustice. Surely it is not necessary to declare that we subscribe unreservedly to the proposition that all men are created in the image of God. The illegal alien has our sympathy, our prayers and our hopes for a better future, but citizens who serve their country in peace and war, who pay taxes and build our schools and churches, have a prior right to employment when it is available.

Recently the writer spoke to a rural pastor about the small debt on his parish and asked if some of it could not be paid off every year. The pastor explained that his men were out of work because of a wetback invasion. Asked if he could not get a public official, perhaps the mayor, to remove these illegal workers, the pastor replied: "The mayor? He has 50 wetbacks on his ranch."

Businessmen also suffer from these conditions. Citizens who live in rural areas cannot patronize stores and business houses when they have no income. The wetback does not dare to shop in the town; his simple needs can be supplied at the commissary on the ranch and if he is charged exorbitant prices that is too bad for him. And if the employer refuses to give him his wages at the end of his service that is also too bad but he has no recourse because he is a fugitive.

Humanly speaking, the hiring of wetbacks is smart business. If a cotton grower in California or Arizona pays $5 per hundredweight to cotton pickers and a grower in the Rio Grande Valley pays $1.50 for the same work he has an obvious economic advantage. Perhaps this grower doesn't know, or doesn't care, that in 1 year as many as 65,000 workers have left south Texas to labor in seasonal agriculture in other States because they couldn't find jobs with decent wages at home. Counting women and children, this army numbered at least 150,000 persons. Not a few parishes in our jurisdiction are pretty well emptied out by these departures, many of which extend from April to November.

Our concern is largely with the Spanish-speaking migrants of the Southwest, but we are aware that tens of thousands of white and colored migrants from the Deep South make their way north every year to harvest crops in the eastern and northeastern States. They, too, suffer the hardships and the heartaches of migratory labor in American agriculture.

Last year the Mexican hierarchy requested the archbishop of Guadalajara to contact the writer to learn if a program might be worked out to give more general spiritual care to Mexican migrants in the United States. It was suggested that priests from Mexico might labor among these people in the dioceses where they are employed in large numbers. American bishops have made great sacrifices to supply Spanish-speaking priests for these migratory workers during the harvest season but many difficulties stood in the way.

The proposal that Mexican priests come to this country to work among Catholic migrants was referred to the American hierarchy at their annual meeting and approved. Fortunately machinery was available in Texas to effectuate the plan. Eight years ago the Bishops' Committee for the Spanish-speaking was set up, of which all the bishops of the Southwest are members. They maintain a regional office for the Spanish-speaking supported by an annual grant from the American Board of Catholic Missions. During the past 2 years the office has been in Austin, Tex., and has now moved for a period of 2 years to Houston.

The staff of the regional office was delegated to head up the Operation Migratory Labor on this side of the border and a priest in the social-action office in Mexico City was appointed our liaison officer by the Mexican hierarchy. The American bishops who needed Mexican missionaries were contacted to learn how many priests they would need and the period of time when their services would be required. Then the search for priests in Mexico began and continued for several months. Despite the scarcity of clergymen there, the bishops and religious superiors allocated 24 priests to this adventure in international cooperation for the welfare of souls. They came from 6 dioceses in Mexico and 4 religious provinces.

The regional office received excellent cooperation from the State Department in Washington, the Immigration and Naturalization Service in the Department of Justice, Mexican consulates in the United States, the Department of Immigration, NCWC, and the United States Ambassador to Mexico. The details of this operation were almost countless but the staff of the regional office carried on valiantly.

Arrived at their destination in a diocese of one of the Northern States, the missionaries found themselves strangers in a strange land. Their own people were out in the fields, however, and to the fields they went to minister to them. Mass was said wherever possible, confessions were heard and holy communion distributed. Marriages and baptisms were arranged through local pastors. The word of God was preached to the people in their own language.

The American bishops who welcomed these missionaries to their dioceses for temporary service during the harvest season deserve special mention for their zeal and generosity. They paid transportation costs by air from Mexico City and return, board and lodging, travel expenses through the rural areas and a generous honorarium to the priests. They were happy to do this for their guests, both clergy and laity. The problems are immense. In 1 diocese 12,000 Spanish-speaking migrants move in for about 3 months. Their spiritual and religious welfare is not easy to achieve.

The church is doing all that she can for her migratory children but the civil authority has been negligent. Among several major recommendations of the President's Commission on Migratory Labor this one is central: That the Congress should pass legislation establishing a Federal Committee for Migratory Labor to study the problems involved, work with State legislatures, farmers' associations, labor unions, and private organizations and make recommendations to Congress for necessary legislation to bring order into this chaotic segment of American agriculture. The present situation, characterized by the greed of some employers, power politics, exploitation of defenseless workers, child labor, utter neglect and senseless disorder, is an international scandal.

These migratory workers are making a tremendous contribution to the Nation by harvesting much of the food and fiber that we need in peace and war. States, counties, and local communities should be grateful to them for their services and pay more attention to their temporal needs. Many of them are American citizens, all of them are human beings; they are a gentle, generous, and lovable people.

One of our sister catechists was recently talking to a family that had just returned to San Antonio from the North. For several Sundays they found themselves 17 miles from the nearest church. Father and mother loaded the children into an old jalopy and drove over bad roads to mass. In the evening they made the journey again to say the rosary in church with their Spanish-speaking friends. I wonder how many English-speaking folks who look down on these poor and humble people would drive a dilapidated car 34 miles on Sunday morning over rough roads to assist at mass and drive another 34 miles in the evening to say the family rosary in a wayside chapel.

To defraud and exploit such people is indeed reprehensible.

AMENDMENT TO THE CONSTITUTION RELATING TO TREATIES AND EXECUTIVE AGREEMENTS

The Senate resumed the consideration of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements.

Mr. BRICKER. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks an editorial from the New York Daily News of yesterday, in regard to the so-called Bricker amendment.

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

IKE'S GOT US STUMPED

In his attitude toward the Bricker amendment and kindred proposals, as set forth at his news conference yesterday, we must admit President Eisenhower has us stumped.

The general idea back of these projects is that no treaty should be permitted to override the Constitution, and that executive agreements should be open for approval or rejection by Congress.

MORE YALTAS—MORE POTSDAMS?

Executive agreements are usually harmless. But they were used by Presidents F. D. Roosevelt and H. S. Truman as devices for bypassing the Senate, whose consent is necessary to make a treaty valid.

General Ike knows perfectly well that deals which gravely damage the United States were made by executive agreements at Teheran, Yalta, and Potsdam. He must know, too, that there is no guarantee against the American people's some day electing another President as contemptuous of Congress as were Roosevelt and Truman.

Well, in his talk with the reporters yesterday, the President said he would go for a law stating that no treaty can be superior to the Constitution, but was dead against any shift in the basic balance of power between Congress and the White House. That's a roundabout way of saying he wants the President's power to make executive agreements to continue as is.

Why? Why this Eisenhower unwillingness to insure the Nation against future injuries by overambitious (to put it kindly) Presidents?

We simply can't understand it—and we think General Eisenhower owes the people a full and clear explanation of his reasons for feeling as he does about this deadly important issue.

Mr. BRICKER. Mr. President, I submit an amendment intended to be proposed by me to the pending joint resolution, and ask that it be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. FERGUSON] for himself, the Senator from California [Mr. KNOWLAND], the Senator from Colorado [Mr. MILLIKIN], and the Senator from Massachusetts [Mr. SALTONSTALL] to the committee amendment, inserting on page 3, line 5, after the word "treaty", the words "or other international agreement."

Mr. FERGUSON. Mr. President, before discussing the pending amendment, I ask to modify the amendment which I have heretofore submitted, designated "2-3-54-B," by striking out, in line 1, the words "When the Senate consents," and inserting in lieu thereof the words "On the question of advising and consenting."

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KNOWLAND. As I understand, the Senator from Michigan has asked permission to modify his amendment. Has the amendment been modified?

The PRESIDENT pro tempore. The Senator from Michigan is entitled to modify his amendment. It has no parliamentary standing, and he can modify it at any time.

Mr. FERGUSON. Mr. President, when this Nation was formed its founders decided that there should be a division of power, and so the sovereignty was divided among the three departments of the Government and the people. This did not mean that the Federal Government would be powerless. There was an allocation of power. History had taught the Founding Fathers that if power were placed in one person, tyranny could be expected. Therefore, the sovereignty was divided in such a way as to prevent tyranny on the part of any particular branch of the Government.

The founders of the Government, in establishing the Constitution, were faced with the question of making peace with the British, and they discovered that in making such peace it was necessary to negotiate a treaty. At that time the Colonies had won their hard-earned independence, and in establishing the Constitution they had to consider the question of treaties.

Benjamin Franklin proposed that the National Legislature be empowered to negative all laws enacted by the several States contravening any treaty subsisting under the authority of the Union. The Franklin formula would have given to Congress the power to veto State laws running counter to treaty provision. His formula was rejected and instead article VI, clause 2, of the Constitution provides:

This Constitution, and the Laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Mr. President, treaties have another constitutional sanction. In article III, section 2, the following language is found:

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority—to all cases affecting Ambassadors, other public Ministers, and consuls—

And so forth. Again, in article I, section 10, the Constitution provides that "no State shall enter into any treaty, alliance, or confederation." However, at the very end of the section which contains that language the Constitution provides:

No State shall, without the consent of Congress, lay any duty * * * keep troops, or ships of war in time of peace—

And this is the language which I wish to stress—

enter into any agreement or compact with another State, or with a foreign power—

That is the language to which I desired to call particular attention. The section continues—

or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Therefore, Mr. President, while States were prohibited from entering into a treaty, alliance, or confederation, they were, with the consent of Congress, given power to make agreements or compacts with another State or with a foreign power.

Again referring to the Constitution, the President, under his powers as enumerated in article II, section 2, "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

That section clearly indicates that the treatymaking power was considered by the Constitutional Convention and made a part of the Constitution.

I have searched the Constitution and I find no place where the power to make other international agreements, or executive agreements, was given specifically to the President. I do find provision which deals with international agreements in the section which allows States, with the consent of Congress, to enter into international agreements, and this is the same section that prohibits the States from entering into treaties, alliances, or confederations. That language indicates that at least the thought of other international agreements was considered by the convention.

The reason I now discuss the question of international agreements is that the purpose of the amendment to the amendment now before the Senate is to insert on page 3, line 5, after the word "treaty", the words "or other international agreements."

In *United States* v. *Belmont* (301 U. S. 324) we find reference to such international agreements. Justice Sutherland, speaking for the Court, said:

This Court held that the conduct of foreign relations was committed by the Constitution to the political departments of the Government, and the propriety of what may be done in the exercise of this political power was not subject to judicial inquiry or decision.

The Court in that case was speaking of the recognition of Russia.

Of course, the Constitution specifically provides that the President of the United States can receive ambassadors and ministers.

Then we turn to what might be called the famous Pink case, which also involves the consideration of executive agreements. The case is found in Three Hundred and Fifteenth United States Reports at page 203. The decision quotes Justice Sutherland's decision in the Belmont case:

This Court, speaking through Mr. Justice Sutherland, held that the conduct of foreign relations is committed by the Constitution to the political departments of the Federal

Government; that the propriety of the exercise of that power is not open to judicial inquiry; and that recognition of a foreign sovereign conclusively binds the courts.

There is another significant statement in United States against Pink, at page 230. I quote the sentence because it shows what the Court was thinking with respect to international agreements, and it indicates the reason we believe the words "international agreements" ought to be included in this particular section of the Constitution. I quote:

"All constitutional acts of power, whether in the executive or in the judicial department, have as much legal validity and obligation as if they proceeded from the Legislature. * * *" (The Federalist, No. 64.) A treaty is a law of the land under the supremacy clause (art. VI, clause 2) of the Constitution. Such international compacts and agreements as the Litvinov Assignment have a similar dignity. (*United States* v. *Belmont, supra* (301 U. S. at p. 331).)

It is the words "similar dignity" that I wish to discuss at this time.

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

Mr. FERGUSON. I yield.

Mr. GEORGE. Would I interrupt the Senator's train of thought if I were to ask him a question at this point?

Mr. FERGUSON. I gladly yield to the Senator from Georgia.

Mr. GEORGE. I would ask the Senator to observe at this point that from that decision both Chief Justice Stone and Mr. Justice Roberts dissented.

Mr. FERGUSON. That is correct.

Mr. GEORGE. And two other Justices did not participate; therefore, it was a five-judge case.

Mr. FERGUSON. That is correct.

Mr. GEORGE. I think that is significant.

Mr. FERGUSON. I have had great difficulty in reconciling the decision of Mr. Justice Douglas and many of his statements in that particular decision with my understanding of the constitutional situation.

But we are dealing with a decision of the Supreme Court, and, after all, decisions of the Supreme Court, construing the Constitution, in effect become part and parcel of the Constitution.

Mr. GEORGE. I merely wished to have noted the dissents in the case.

Mr. FERGUSON. Mr. President, I think it well to refer to the question of the Litvinov assignment, which was an international agreement, really an executive agreement between the State Department of our Government and the Foreign Office of the Russian Government. The court says it had the dignity of a treaty. The dignity which is given to a treaty of the United States is that it becomes the supreme law of the land when it is executed under the authority of the United States.

Mr. President, some of us felt that if the first section of the Bricker amendment, as modified, were to become a part of the Constitution—and I am of the opinion that it should become a part of the Constitution—it would forbid treaties being made which are in conflict with the Constitution. The opinion from which I have quoted seems to indicate that an international agreement other than a treaty has the same dignity as has a treaty, and I feel that such an international agreement should be judged by the same standard and should not be allowed to conflict with the Constitution and be of any force or effect.

Mr. BRICKER. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. BRICKER. The Senator is merely taking the provision which was in the report of the committee, that other international agreements shall be limited by the provisions limiting treaties.

Mr. FERGUSON. That is correct.

Mr. BRICKER. If section 4 is taken out, other international agreements must be inserted in section 1.

Mr. FERGUSON. That is correct. It makes it much stronger to put it in in connection with the word "treaty," so that there will be no doubt that it was the idea of the Senate that it was to become part of that section and was to receive at least the same construction.

Mr. President, section 1 of the Bricker amendment, as reported by the Judiciary Committee, provides that a provision of a treaty—and we would insert by this amendment "or other international agreements"—which conflicts with the Constitution shall not be of any force or effect.

The supremacy clause of the Constitution reads as follows:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in the States shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

If we approve section 1 of the Bricker amendment, Senate Joint Resolution 1, as modified by my amendment, and not alter the supremacy clause, we would discover that we had permitted a conflict to exist in the Constitution.

Mr. BRICKER. Mr. President, will the Senator from Michigan yield further?

Mr. FERGUSON. I yield.

Mr. BRICKER. I agree with the Senator entirely in what he is saying in regard to article VI, that if the second section were interpreted alone, any treaty under that article would still be the supreme law of the land. By interpretation of the Court in the Pink case, an international agreement would be lifted to the same dignity.

Mr. FERGUSON. That is correct.

Mr. BRICKER. So it is necessary that the first section of the Senator's amendment be included.

Mr. FERGUSON. Yes.

Mr. President, I think we must consider the two amendments together, the amendment to the first section, and a new second section which would amend clause 2 of article VI of the Constitution of the United States by adding at the end thereof the following language:

Notwithstanding the foregoing provisions of this clause, no treaty made after the establishment of this Constitution shall be the supreme law of the land unless made in pursuance of this Constitution.

Mr. President, should the President and the Senate be able to change our form of government or act as if there were no Constitution, or should the Constitution be the supreme law of the land, because if the Constitution is the people's law, any other law which is made, whether it be a treaty law or a statutory law of Congress, has to be made in pursuance of the Constitution?

Mr. President, if we were to say that a treaty is on the same basis as the Constitution, then the President and two-thirds of the Senators voting would be able to change the Constitution. They would be able even to repeal it. Whereas, if the people themselves wanted to amend the Constitution or to repeal it, they would have to follow the provisions of the Constitution which set forth that amendments may be proposed by two-thirds of each House of Congress and shall become valid when ratified by three-fourths of the State legislatures, or by conventions duly called in three-fourths of the States.

Mr. BRICKER. Mr. President, will the Senator from Michigan further yield?

Mr. FERGUSON. I further yield.

Mr. BRICKER. A further danger exists, in that under the interpretation by the Supreme Court in the decision referred to as the Pink case, the President of the United States alone can do that.

Mr. FERGUSON. Yes.

Mr. BRICKER. That is the serious danger.

Mr. FERGUSON. Under the decision of Mr. Justice Douglas, it might appear that an international agreement has the same dignity as a treaty. In the same opinion he used the word "dignity," and at the same time he said a treaty was the supreme law of the land, and cited article VI of the Constitution to prove it.

Mr. President, we know that the Constitution can be amended, and article V provides the method. I ask unanimous consent to have article V of the Constitution in its entirety printed at this point in the RECORD.

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

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

Mr. FERGUSON. Mr. President, we find that these several provisions of the Constitution impose express limitations upon the powers of Congress. Similarly, other provisions impose express limitations upon the powers of the States. Still other provisions of the Constitution impose express limitations upon powers without specifying to whom or to what the limitations are applicable.

Even though there appears to be no provision of the Constitution which, by its express terms, limits the subject matter which can be dealt with by treaties, numerous dicta in Supreme Court decisions indicate that there are limitations on the subject matter which can be dealt with under the treatymaking power. For a review of the decisions, I refer Senators to page 3 of Senate Report No. 412, 83d Congress, on Senate Joint Resolution 1, the report of the Committee on the Judiciary.

What these limitations are is not clear from the dicta. Whether they are the ones imposed by the limiting provisions of the Constitution, which are silent as to whom or to what directed, whether they are among the limiting provisions applicable expressly to the Congress, whether they are inherent in the nature of our Government, or whether they are limitations stemming from the fact that the word "treaty" as used in the portion of the Constitution conferring upon the President the treatymaking power must be interpreted to include only the power to deal with subject matters which it was customary for nations to deal with by treaty at the time of adoption of the Constitution, are matters left for conjecture.

I feel that is the reason why section 1, as it is proposed to be amended, and section 2 are necessary to clear up the matter and to speak forcefully on the subject.

Certainly Missouri against Holland, which is reported in Two Hundred and Fifty-second United States Reports, at page 416, about which we have heard much during the debate, a case which is sometimes called the "duck" case, makes clear the fact that matters can be dealt with by treaty and by legislation to implement a treaty which, because of the absence of expressly delegated power and the provisions of the 10th amendment, cannot be dealt with by Congress alone in the absence of a treaty.

In attempting to determine what effect the Supreme Court would be likely to give to the sentence which it is proposed to add to clause 2 of article VI of the Constitution, it is desirable, if possible, first, to ascertain what meaning the Court will be likely to give to section 2 of the proposed constitutional amendment. The Court will read the proposed constitutional amendment as a whole, and will attempt to give meaning to each portion of it. The Court will be unlikely to assume, unless there is clear evidence to the contrary, that the amenders intended to accomplish by section 2 of the amendment the same purpose accomplished by the sentence added to clause 2 of article VI.

In attempting to predict the meaning which will be given to section 2 of the proposed amendment, we do not proceed in the same absence of the light of legislative history as confronts us with respect to the sentence to be added in clause 2 of article VI. Section 2 of the proposed amendment, except for the reference to "other international agreement," is identical with section 1 of the original so-called Bricker amendment found in Senate Joint Resolution 1 of the 83d Congress, which is now under debate. Section 1 of the Bricker amendment is discussed at length in the report of the Senate Committee on the Judiciary, pages 3 to 8.

In discussing that section, the report first reviews the dicta in early Supreme Court decisions indicating that there are limitations on the treatymaking power. Then it indicates that confidence in those dicta has been undermined by the decision in Missouri against Holland. The report goes on to discuss the case of *United States* v. *Curtiss-Wright Export Corporation* (299 U. S. 304); the dissenting opinion in the case of *Youngstown Sheet and Tube Company* v. *Sawyer* (343 U. S. 579), which was the Steel Seizure case; and the growth of apprehension with respect to the scope of the treaty power. The report then states, with respect to section 1:

> Section 1 removes any possible doubt whether a treaty must be consistent with the Constitution. It gives unequivocal constitutional effect to early judicial dicta not yet incorporated in binding decisions that no provision of a treaty which violates the Constitution or which is inconsistent with the nature of the Government of the United States or of the relation between the States and the United States shall be valid (*New Orleans* v. *United States* (10 Pet. 662, 736); *The Cherokee Tobacco* (11 Wall. 616, 620–1); *Holden* v. *Joy* (17 Wall. 211, 243); *Geofroy* v. *Riggs* (133 U. S. 258, 267); and see *Asakura* v. *Seattle* (265 U. S. 332, 341)). The inferences drawn by some persons from *Missouri* v. *Holland*, cited supra, and *U. S.* v. *Curtiss-Wright Corporation*, also cited supra, that the treaty power is unlimited in any field of alleged international concern, regardless of the Constitution, will be unqualifiedly negatived, and any doubt on this score forever put to rest.
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> * * * * *
>
> * * * Undoubtedly, it is best to establish once and for all, by unequivocal language, that the treaty power cannot be used for purposes in conflict with the Constitution.
>
> * * * The necessity for this section of the amendment has already been examined, and it should be entirely clear to the Supreme Court or to any other agency which interprets this section that it is intended only to state what most of the American people have always felt should be the law. In plain words, this section is designed to make it inescapably clear that a treaty may not override the Constitution or be in conflict with it.

A fair reading of the portion of the committee report dealing with section 1 of the Bricker amendment, which is now section 1 as amended by the proposed amendment, indicates that its purpose is to place in the Constitution a provision which will have the effect of fixing as constitutional law the early judicial dicta to the effect that no provision of a treaty, or other international agreement which violates the Constitution, or which is inconsistent with the nature of the Government of the United States, or of the relation between the States and the United States, shall be valid.

One of the sections of the Constitution relating to the States guarantees to every State a republican form of government. There are those who say that the Federal Government by treaty would have the power to alter this provision guaranteeing to the States the right to have a republican form of government.

Despite the discussion of Missouri against Holland, and later cases, contained in this portion of the report, it does not appear from the report to be the purpose of section 1 of the Bricker amendment to reverse the rule of constitutional law enunciated by the Court in Missouri against Holland. That this is so seems reasonably clear from the fact that section 2 of the Bricker amendment—the "which" clause, the one we are seeking to have stricken out—does by its express terms accomplish the result of reversing the rule of Missouri against Holland.

In view of the almost complete identity of section 2 of the proposed amendment with section 1 of the Bricker amendment, it may be asserted with reasonable assurance, tempered with contemplation of the legislative history yet to be written, that section 2 of the proposed amendment will be interpreted by the Court as indicated in the preceding paragraph. This, then, would apply to international agreements also.

Having determined what meaning the Court may give to section 2 of the proposed amendment, we come next to the problem of what meaning it may give to the sentence proposed to be added to clause 2 of article VI.

Any consideration of this question requires that we first attempt to determine the significance of the variation in the existing wording of that clause with respect to what laws and what treaties are the supreme law of the land. The clause now provides in effect that laws of the United States made in pursuance of the Constitution are the supreme law of the land, while treaties made, or which shall be made, under the authority of the United States are the supreme law of the land. We know that one purpose of the difference in wording used was to make certain that treaties which had been made by the United States prior to the establishment of the Constitution would continue to be valid international commitments of the United States and effective internally. On the other hand, it was desired to give the status of supreme law only to those laws of the United States made in pursuance of the Constitution, and not to laws made prior to the establishment of the Constitution.

Mr. President, it will be noted that under the proposed committee amendment, treaties which were made prior to the establishment of the Constitution would be allowed to remain in effect. The second section, which is an amendment to Article VI, would affect only treaties made after the establishment of the Constitution. So we recognize that part of the construction.

Whether or not this is the only significance of the different wording used is a matter which has not been clarified by decisions of the supreme and inferior courts. The opinion of Justice Holmes in Missouri against Holland contains one sentence which indicates that he thought there was considerable significance in the difference in wording, but he did not further develop his understanding of the significance of the difference in wording. The sentence he used reads:

> Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared

to be so when made under the authority of the United States (252 U. S. 416, 433).

I underscore the word "while." The use of the word "while" to connect the two clauses of the sentence may indicate that the Justice felt that treaties were to be tested for Constitutional validity by quite different criteria from those used to test statutes.

Further indication of judicial recognition of the significance of the difference in wording is contained in the opinion of the District Court for the Eastern District of Arkansas in the case of *United States* v. *Thompson* (258 F. 257)—by the way that was another duck case—a proceeding which, like Missouri against Holland, involved the Migratory Bird Act of July 3, 1918, and was decided prior to the Supreme Court decision in Missouri against Holland. In the case of United States against Thompson, Judge Trieber, after quoting clause 2 of article VI of the Constitution, said at page 258:

It will be noticed that this section, in speaking of the laws of the United States, limits the power to enact them to such laws as are "made in pursuance thereof." On the other hand, when referring to treaties, the only limitation is "which shall be made under the authority of the United States," omitting the words "in pursuance of the Constitution." It cannot be assumed that the framers of that instrument intended to make no distinction between laws and treaties, when using language differing so materially. The words "laws made in pursuance of the Constitution," can have but one meaning, namely, when authorized by the Constitution, while as to treaties the limitation is when made "by authority of the United States." The reason for this distinction is obvious. In making laws, our own consent alone, is necessary, but in forming treaties the concurrence of the other power to the treaty is required.

What Judge Trieber says in the last part is that if Congress makes a law, the people's representatives in the Congress are the lawmakers; but, in effect, when the President makes a treaty, it is a contract with another government, by which so far as internal law is concerned the foreign government is imposing part of its desire and its wish upon the people of the United States, for Judge Trieber states:

In making laws, our own consent alone is necessary, but in forming treaties, the concurrence of the other power to the treaty is required.

The quotation from Judge Trieber's opinion indicates that he, like Justice Holmes, saw considerable significance in the difference in wording, but his opinion does not go further to analyze the significance of the difference. On the other hand, the opinion of Mr. Justice Field in the case of *In Re Ah Lung* (18 F. 28), decided in the Circuit Court for the District of California in 1883, indicates that he saw no significance in the difference in wording. In that case, the Justice said, at page 29:

The Constitution of the United States, however, places both treaties and laws, made in pursuance thereof, in the same category, and declares them to be the supreme law of the land.

Thus it appears that Justice Field felt that, with respect to treaties made after the establishment of the Constitution, the criteria by which they are to be tested to determine whether or not they are supreme law are the same criteria by which statutes are to be tested. The opinion of Chief Justice Marshall in *Marbury* v. *Madison* (1 Cranch 137), which it might be thought would be of considerable significance in determining the meaning of the phrase "made in pursuance thereof" as used in clause 2 of article VI, actually sheds little light on the meaning of the phrase, and no light on the significance of the difference in wording with which we are concerned.

It is easy to understand why Chief Justice Marshall was a little careful in the language he was using. He did not have a treaty before him, and was only speaking about whether or not a law could be held unconstitutional, that is, not made in pursuance of the Constitution, and he did not refer to the treaty-making power, or the words used in reference to the treatymaking power.

In Marbury against Madison, the Chief Justice said, at page 180:

It is also not entirely unworthy of observation, that in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States, generally, but those only which shall be made in pursuance of the Constitution, have that rank.

Having examined the judicial utterance which may be pertinent to the question, we revert to the problem of what effect the Supreme Court might give to the addition of the proposed sentence at the end of clause 2 of article VI of the Constitution. If Mr. Justice Field's view of the matter, as revealed by the quotation from the case, in re Ah Lung, is determined by the Court to be the correct view, no effect would be given to the added sentence, because the Court would have determined that treaties are already required to be made in pursuance of the Constitution. However, it seems questionable that the Court would so hold, because to do so would be to determine that the added sentence had no effect whatsoever, a result which the Court is extremely reluctant to reach. Moreover, the very wording of the added sentence, which begins "Notwithstanding the foregoing provisions of this clause," indicates that the amenders intend to establish a rule different from that which prevails in the absence of the amendment.

Assuming that the Court will give the added sentence some significance, the next question to be considered is what that significance might be. If, as I have indicated, the Court is likely to decide that the effect of section 2 of the amendment would be to write into the Constitution the rule enunciated in the early judicial dicta relating to the treaty-making power, it is not likely to decide that the effect of the sentence added to clause 2 of article VI is the same.

Mr. President, I find that many people have had the idea all along, without examining the Supreme Court's decisions, that the Court has held that a treaty, to be adjudged as being the same as a law, had to be made in pursuance of the Constitution. I am going to read some of the holdings of the Court. For instance, it was held in the *Cherokee Tobacco* case (11 Wall. 616, 620):

It need hardly be said that a treaty cannot change the Constitution or be held valid if it be in violation of that instrument.

In *Doe* v. *Braden* (16 How. 635, 637) it was held:

The treaty is, therefore, a law made by the proper authority, and the courts of justice have no right to annul or disregard any of its provisions, unless they violate the Constitution of the United States.

In the case of *United States* v. *Minnesota* (270 U. S. 181, 207) it was held:

Of course, all treaties and statutes of the United States are based on the Constitution; * * * the decisions of this Court generally have regarded treaties as on much the same plane as acts of Congress, and as usually subject to the general limitations in the Constitution.

But some doubt is raised when the Court uses the words "as on much the same plane."

In the case of Missouri against Holland the Court held:

We do not mean to imply that there are no qualifications to the treatymaking power. * * * The treaty in question does not contravene any prohibitory words to be found in the Constitution.

But, Mr. President, those who believe the Constitution should be amended know there has never been a decision of the Supreme Court—I have checked on this matter, and I have never been able to find such a decision—holding a treaty to be void because it violated the Constitution.

Our purpose in submitting this amendment is to make sure of this point. The amendment will mandate the Court to the proposition that a treaty is to be judged by the Constitution, and is not to conflict with it. The purpose of the amendment is to require that a treaty be in pursuance of the Constitution, if it is to become the supreme law of the land. Under the amendment, a treaty must conform to the Constitution, and must not conflict with it.

The amendment will thus prevent the delegation of executive, legislative, or judicial power to an international organization. Mr. President, I wish to repeat that this amendment will prevent the delegation of executive, legislative, or judicial power to an international organization, for under the Constitution these powers are vested exclusively in the President, the Congress, and the Federal courts. The amendment will prevent the United States by treaty or executive agreement from depriving any United States citizen of any of the rights or freedoms guaranteed to him by the Constitution. It will prevent the United States from conferring, by treaty, jurisdiction on an international court to charge, try, and sentence a United States citizen for an offense committed in the United States.

Mr. President, I think we should state clearly that that is the purpose of the amendment, and that it would prevent these things, which many persons feel can now be done. The amendment would effectively remove one of the premises of the decision in the case of Missouri against Holland, namely, that

whereas a statute of the United States, in order to become the supreme law of the land, must conform to the provisions of the Constitution, a treaty may become the supreme law of the land if it is made only under the authority of the United States.

The amendment will not alter, however, the other premise of the decision in the case of Missouri against Holland, namely, that Congress can implement a treaty by legislation, under the necessary and proper clause, even though it cannot enact such legislation under its grant of legislative power, in the absence of the treaty. In other words, Mr. President, the amendment will strike out the "which" clause, which in my opinion is contrary to this amendment.

If we were to amend the Constitution by means of section 1 of the proposal now before the Senate, and if we did not change the supremacy clause of article VI, we would be left with a conflict between the two provisions.

Mr. President, I wish to refer to a State Department publication No. 3972, foreword by President Truman. It is State Department publication No. 3972, published in September 1950. In the foreword, President Truman said:

> There is no longer any real difference between domestic and foreign affairs.

Mr. President, it was that sentence which seemed to place in the mind of the President and, therefore, in the minds of his representatives in the State Department, the view that conditions had become such that there was no longer any difference between domestic affairs and foreign affairs. If that were true, a treaty then could effect the things I have been talking about; it could alter the people's unalienable rights.

If it be true that the treaty power is above the Constitution and the will of the people, and if Mr. Justice Douglas in his decision in the Pink case was correct when he held that an executive agreement has the same dignity as a treaty, the power to make an executive agreement or the power to make a treaty is above the Constitution and the will of the people. That cannot be the case in the United States, Mr. President.

On the other hand, there is concern lest it might in some way be the case. When we examine the dissenting opinion of Chief Justice Vinson and two of his colleagues in the recent steel company seizure case—and I stress that it is a dissenting opinion—we find reference to the President's 1952 Executive Order No. 10,340 and references to the preexisting national emergency which had been declared "to fulfill our responsibilities" to the United Nations. The order then argued, plausibly enough, that "a continuing and uninterrupted supply of steel" was indispensable to the conduct of the United Nations' effort to repel aggression in Korea. It noted the strike called by the CIO union, and asserted that this would immediately jeopardize the defense of those joined with us in resisting aggression.

Mr. Truman stated, further, that "by virtue of the authority vested in me by the Constitution" he directed the Secretary of Commerce "to take possession of all of such plants, facilities, and other property of the companies named in the list attached hereto, or any part thereof as he may deem necessary."

Moreover, in his opinion sustaining this seizure Chief Justice Vinson maintained that the President was wholly justified by the treaty obligations under the United Nations Charter. He seemed to suggest that those obligations entitled the President to govern by decree, paying no more attention to Congress, in effect, than a dictator would.

Let me read what Justice Vinson said:

> The Executive may act upon things and upon men in many relations which have not, though they might have, been actually regulated by Congress.

The fifth amendment to the Constitution says flatly that no person shall be deprived of life, liberty, or property without due process of law. In the Steel case the Chief Justice, as I have indicated, strongly intimated that a treaty can nullify the due process clause. In effect, the Pink case said the same thing—that the due process clause did not apply to international agreements. This conflict, which in the Steel case was provisionally decided upon the theory of government by executive decree, is clearly inherent in our United Nations membership, and may again be precipitated by any President at any time. Americans are prone to consider the steel industry of the United States in the same situation as the steel industry of Great Britain, which can be taken over and socialized, and then returned. I think it is always well to look at dissenting opinions, because they may eventually become the law.

Coming back to the question of what we are trying to do, suppose a treaty were made which undertook to deal with the rights of American citizens in the social, economic, and cultural fields. Would this be a valid exercise of treaty power? I mention the subject because of the attitude of the previous administration, to the effect that there is now no difference between the domestic and the foreign fields. If that be true, if that be a valid exercise of treaty power, then Congress could implement such a treaty by legislation. However, such a treaty would not deal with matters of international concern, but rather with matters of purely internal concern. The economic, social, and cultural freedoms which are the subject of the 14th amendment are, of course, reserved to the States.

Can a law of Congress repeal a treaty? I should say that if that question were asked members of the bar we would receive the reply that certainly a law of Congress can repeal a treaty.

Because in the Pink case an executive agreement was given the same dignity as a treaty, the next question is, Can a law of Congress repeal an international agreement other than a treaty? I should say that the great majority of lawyers would immediately say, "Certainly a law of Congress can repeal a treaty, no matter what the treaty is, or no matter what the executive agreement is."

I wish to refer to the case of *Fong Yue Ting* v. *U. S.* (149 U. S. 698). I read from page 720 of the opinion:

> As was said by this Court in Chae Chan Ping's case, following previous decisions: "The treaties were of no greater legal obligation than the act of Congress."

That is what I think most lawyers would say. I continue the quotation:

> "By the Constitution, laws made in pursuance thereof and treaties made under the authority of the United States are both declared to be the supreme law of the land, and no paramount authority is given to one over the other."

I think that is what would generally be said. Therefore it would be said immediately, "Certainly a law of Congress can repeal a treaty or an executive agreement."

I continue the quotation:

> "A treaty, it is true, is in its nature a contract between nations, and is often merely promissory in its character, requiring legislation to carry its stipulations into effect. Such legislation will be open to future repeal or amendment."

For example, let us take the case of Missouri against Holland. The migratory bird treaty had to be implemented by a law of Congress. Having implemented it by a law of Congress, we would feel that Congress might repeal such law.

I continue reading from the decision:

> "If the treaty operates by its own force, and relates to a subject within the power of Congress, it can be deemed in that particular only the equivalent of a legislative act—"

That language in the opinion is very significant. I repeat it:

> "If the treaty operates by its own force, and relates to a subject within the power of Congress, it can be deemed in that particular only the equivalent of a legislative act, to be repealed or modified at the pleasure of Congress."

I emphasize the words "in that particular only."

Coming back to the migratory bird treaty, that treaty provided for an act of Congress. But suppose that that particular treaty had been a self-executing treaty. Suppose that treaty had been such that the Congress could not have acted upon it. Congress could not have passed a law without the treaty in that case. Therefore the kind of legislation which we can enact repealing a treaty seems to be that described in the language:

> "If the treaty operates by its own force, and relates to a subject within the power of Congress, it can be deemed, in that particular only, the equivalent of a legislative act, to be repealed or modified at the pleasure of Congress. In either case, the last expression of the sovereign will must control.
>
> "So far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal."

Let us note the significance of that language. The Court says that if a treaty with a foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal.

We know that in decision after decision the Court speaks of the political right of the Executive to make a treaty.

With respect to that kind of treaty, most lawyers would say, if asked whether a treaty could be repealed by an act of Congress, that it could be. However, the decision to which I have referred clearly shows that when the President is acting in his political capacity, and therefore not subject to judicial cognizance in the courts, the Congress of the United States is helpless, after a treaty is once made and becomes the law of the land.

I think it is well to consider what was said in the particular case to which I have just referred. I have read three decisions which seem to show that a treaty must be made in compliance with the Constitution. The three cases which I have mentioned were all decided before the case of Missouri against Holland, and I find no reaffirmation of those cases since. If treaties had the same standing as an act of Congress, everyone would say, "Congress can step in at any time and rectify any mistake which has been made." Therefore, we feel that an amendment to the Constitution is essential. We are not talking only about taking powers away from the Executive or taking them away from Congress or taking them away from the courts. What we are concerned with here is what we can do.

There is a very interesting case known as *U. S.* v. *Capps* (204 F. 2d 655). It is very interesting to note that that case is now being appealed to the Supreme Court by the Department of Justice. Judge Parker wrote the opinion of the court. The case was heard by three very able and distinguished justices: Parker, Soper, and Dobie. The court said:

On the facts we think that judgment was properly entered for the defendant, but for reasons other than those given by the District Court. We have little difficulty in seeing in the evidence breach of contract on the part of the defendant and damage resulting to the United States from the breach. We think, however, that the executive agreement was void because it was not authorized by Congress and contravened the provisions of a statute dealing with the very matter to which it related and that the contract relied on, which was based on the executive agreement, was unenforceable in the courts of the United States for like reason.

Judge Parker found that the State Department made an executive agreement which was not authorized by Congress, and that it contravened a provision of an act of Congress. Notwithstanding that fact, we find that the Department of Justice is appealing the case. I continue to quote from the decision:

We think also that no action can be maintained by the Government to recover damages on account of what is essentially a breach of a trade regulation, in the absence of express authorization by Congress—

And so forth. I quote more significant language of Judge Parker:

It is argued, however, that the validity of the executive agreement was not dependent upon the act of Congress, but was made pursuant to the inherent powers—

Mr. President, where did we hear that expression before—inherent powers? The steel mills of America were seized under that very language—

pursuant to the inherent powers of the President under the Constitution. The answer is that while the President has certain inherent powers under the Constitution, such as the power pertaining to his position as Commander in Chief of the Army and Navy.

I do not want to take away from the President his war powers which are his under the Constitution, but I believe that the President does not want what is known as inherent power, under which he can make an executive agreement or a treaty which is in direct conflict with a statute or which is not authorized by law, but which is within the power of Congress, as, for example, the question of foreign trade.

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

Mr. FERGUSON. I yield.

Mr. BRICKER. Did not the opinion of the Court also hold that under the agreements and treaties which the country can enter into, power flowed to the President not given him in the Constitution?

Mr. FERGUSON. That is correct. That is what was appealed from. The court continues:

The power necessary to see that the laws are faithfully executed, the power to regulate interstate and foreign commerce, is not among the powers incident to the Presidential office, but is expressly vested by the Constitution in the Congress. It cannot be upheld as an exercise of the power to see that the laws are faithfully executed, for, as said by Justice Holmes in his dissenting opinion in *Myers* v. *United States* (272 U. S. 52, 177, 47 S. Ct. 21, 85, 71, L. Ed. 160), "The duty of the President to see that the laws be executed is a duty that does not go beyond the laws or require him to achieve more than the Congress sees fit to leave within his power."

Then the Court cites the Steel case, *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U. S. 579):

We think that whatever the power of the Executive with respect to making executive trade agreements or regulating foreign commerce in the absense of action by Congress, it is clear that the Executive may not through entering into such an agreement avoid complying with a regulation prescribed by Congress.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. BUTLER of Maryland. The citation of that case takes me back to the argument of the Steel Seizure case. When we hear on the floor of the Senate the argument that the President has such broad powers in foreign affairs that they are tantamount to absolute power, I go back to the steel case and the argument of John W. Davis, in which he told the Supreme Court that the President of the United States has but one absolute and unfettered power; the power of pardon; all other Executive powers hedged about by checks and balances, as are the powers of the legislative branch.

Mr. FERGUSON. I would say that this case does not relate to the present Secretary of State or the present President.

Mr. BUTLER of Maryland. My remarks are not intended to go to the present Secretary of State or present President.

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

Mr. FERGUSON. I yield.

Mr. GEORGE. May I inquire when the appeal was taken?

Mr. FERGUSON. It was taken last April.

Mr. GEORGE. Under this administration?

Mr. FERGUSON. Yes.

Mr. GEORGE. That is the famous Capps case.

Mr. FERGUSON. That is correct.

Mr. GEORGE. It is being appealed by the present Attorney General.

Mr. FERGUSON. Yes.

Mr. GEORGE. Surely, I am surprised.

Mr. FERGUSON. I was surprised, too.

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

Mr. FERGUSON. I yield.

Mr. BRICKER. In view of the decision of the Court in the Potato case, to which the Senator has been referring, and the attitude of the Department of Justice, that the President should have the power to amend, suspend, or revoke local legislation, what reason can be advanced in opposition to a requirement that there be legislation enacted before an executive agreement becomes internal law?

Mr. FERGUSON. May I ask the Senator to repeat his question?

Mr. BRICKER. In view of the appeal taken by the Attorney General in the Potato case, which is an appeal based upon what he claims to be the right of the President to make an executive agreement which would repeal internal law and which would void a law of Congress, what is the objection to making executive agreements the internal law of the land only by an act of Congress?

Mr. FERGUSON. I should like to read from the brief of the Attorney General, and that may answer the Senator. I have his brief before me. I may say that his brief in the appeal case has not been filed. I have the certiorari brief.

Mr. BRICKER. Has the certiorari been allowed?

Mr. FERGUSON. Yes; it has been allowed. This is what the brief states at page 14:

The Court has explicitly confirmed the President's capacity, subject to constitutional limitations, to enter into such executive agreements in appropriate cases.

He cites the cases of United States against Curtiss-Wright, United States against Belmont, United States against Pink, and other cases, and says:

Executive agreements so concluded have the same status as treaties.

The Attorney General affirms the opinion in the Pink case when he says that executive agreements so concluded have the same status as treaties. That is one of the reasons why we wanted to put into the first section the words "and other international agreements."

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

Mr. FERGUSON. I yield.

Mr. BRICKER. No doubt, for the same reason, the Attorney General will oppose limiting the power of the Presi-

dent to make executive agreements, secret or otherwise.

Mr. FERGUSON. Yes. He cites the Altman case which involved the right of appeal. He cites United States against Belmont and United States against Pink, and here is where he hedges. He says, "subject to constitutional limitations."

Mr. BRICKER. Mr. President, will the Senator from Michigan further yield?

Mr. FERGUSON. I yield.

Mr. BRICKER. Does the Senator recognize that under the Pink case, the Belmont case, and the case of Missouri against Holland, there is any constitutional limitation?

Mr. FERGUSON. I wanted to know the meaning of those words, "subject to constitutional limitations." What limitations?

Mr. COOPER. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. COOPER. Has it not been said by the courts that neither a treaty nor an executive agreement can override the Constitution.

Mr. FERGUSON. Where is that law?

Mr. COOPER. It is implicit in the Constitution. It has been said by the Supreme Court in many cases—I will agree that it is dictum—but, it has been said in many cases that a treaty will not supersede the Constitution or the Bill of Rights.

Mr. FERGUSON. A treaty has never been held void because it contravened the Constitution.

Mr. COOPER. An argument could very well be made that no treaty has been ratified which could be construed as tending to supersede or invade the Constitution or the Bill of Rights. It can be argued that treaty power has been properly exercised.

Mr. FERGUSON. That seems to argue that the Founding Fathers need not have been careful when they drew the Constitution, because there had been no violations of the Constitution up to that time. All we are trying to do is to write into the Constitution that which the Senator is now saying, that the rights guaranteed to the people by the Bill of Rights cannot be taken away from them by a treaty or an executive agreement.

Mr. COOPER. Does not the Senator think that is in the Constitution now?

Mr. FERGUSON. From what I have read of the decisions, I would think that the Supreme Court would say that it is a political function, and, therefore, it was not intended to be included in the Constitution.

Mr. COOPER. I am not captiously asking these questions. I realize the work that has been done, and I realize the Senator's concern that the Constitution shall not be violated. I should like to ask a few questions later to bring out, if I can, the purposes intended by this amendment.

Mr. GEORGE. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. GEORGE. I think the Pink case is authority for the statement that the fifth amendment to the Constitution itself could not stand in the way of the decision made in that case which raised to the dignity of a treaty a mere executive agreement.

Mr. FERGUSON. I quite agree with the Senator that it was decided, in effect, that the fifth amendment was not applicable to executive agreements.

Mr. COOPER. Mr. President, will the Senator from Michigan yield further?

Mr. FERGUSON. I yield.

Mr. COOPER. I certainly would not be presumptious enough to disagree always with the distinguished Senator from Georgia. He knows the profound regard I have for his opinion as a constitutional lawyer, as well as his great ability in the legislative field. I said on Friday in the short speech which I made here, that the Pink case went too far and I thought its precedent bad, I also stated, that I did not believe the Pink case held that an executive agreement could supersede the fifth amendment. There was no issue in the case between an alien within the Territory of the United States and, therefore, under its protection, and a citizen of the United States.

Mr. GEORGE. Mr. President, will the Senator from Michigan yield to me?

Mr. FERGUSON. I yield.

Mr. GEORGE. I am not now assenting to the soundness of the finding in the Pink case. I never have. I think it is authority for one proposition, namely, that nothing in the fifth amendment stands in the way of the decision. It may not have been entirely pertinent. There are a great many things that are obiter in court decisions.

Mr. FERGUSON. I think when the Court is deciding constitutional questions there are many things included which could just as well be omitted.

Mr. BUTLER of Maryland. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. BUTLER of Maryland. I think it is important at this juncture to point out the fact that the executive agreement in the Pink case was never brought before the Senate for ratification, and that the Senate did not have any opportunity to study it. It was an agreement made solely by the President on his own initiative, and, in my opinion, it violated the fifth amendment and set aside laws of the sovereign State of New York without any action whatever on the part of the Senate of the United States.

Mr. FERGUSON. Mr. President, I am glad the Senator from Kentucky [Mr. COOPER] has said that in his opinion the present law is that the fundamental rights reserved by the people in the Constitution cannot be overridden.

Let us look at the Constitution. We formed a new government. Therefore, we had to have sovereignty. As I said in the beginning, we divided that sovereignty. We had an idea, which was a good one—and if we could establish it all over the world it would have a good effect and I think we would have world peace—that there are inalienable God-given rights that cannot be taken from man. Our forefathers called them unalienable instead of inalienable rights. They specified certain rights which could not be taken away because they were inalienable. They belonged to the people by virtue of God, and, therefore, a government could not take them away from the people. They were suspicious of public officials in those days. They knew that the right of habeas corpus, for instance, was not sacred under the British law and the British Constitution. The right of habeas corpus is one of our sacred rights. There were other rights. All I am trying to say is that we should make this Constitution the instrument which we have always believed it to be—guaranteeing to all American citizens that their sacred and inalienable rights cannot be taken from them unless they themselves consent.

Mr. BUTLER of Maryland. Does the Senator from Michigan believe that such a result can be accomplished by the amendment that is proposed without disturbing the historical balance between the States and the Federal Government?

Mr. FERGUSON. Yes; I do. I shall come to that later when I discuss the 10th amendment.

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

Mr. FERGUSON. I yield.

Mr. WILEY. In relation to the Pink case, I wish to quote certain language from the decision:

> Frequently the obligation of a treaty will be dependent on State law * * *. But State law must yield when it is inconsistent with or impairs the policy or provisions of a treaty or of an international compact or agreement * * *. Then the power of a State to refuse enforcement of rights based on foreign law which runs counter to the public policy of the forum * * * must give way before the superior Federal policy evidenced by a treaty or international compact or agreement.

That is what that case decided. I thank the Senator from Michigan.

Mr. FERGUSON. Mr. President, I think I said earlier that the people of the Colonies, who had fought a war to gain their independence, and won it, then undertook to form a Constitution. They tried to write something that was different from that which they had had before.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. BUTLER of Maryland. As a matter of fact, they were introducing into the world for the first time the inherent right of people to govern themselves in their internal affairs, were they not?

Mr. FERGUSON. The Senator is correct.

Mr. BUTLER of Maryland. It was the beginning of local self-determination. That is what the Constitution of the United States provided for, and that is what our Founding Fathers gave us.

Mr. FERGUSON. The Senator is correct.

Let us proceed to article I of the Constitution. In section 8 of article I, the founders of the Constitution gave Congress certain rights:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and

excises shall be uniform throughout the United States;

To borrow money on the credit of the United States.

I refer again to the Capps case. If an executive agreement can do what the agreement discussed in the Capps case did with respect to interstate commerce, when Congress has been given the right to regulate interstate commerce, then the executive branch of the Government will have the same right, by international agreement, to lay and collect taxes, duties, imposts, and excises, because that power is given to Congress, too.

As will be seen from section 8 of article I, Congress was given certain powers, becase the Founding Fathers did not want the States or the Executive to exercise those powers. I have shown that it was not desired to have States make treaties. The United States Government was authorized to make treaties.

The drafters of the Constitution said to the States, "You can make an agreement only with the consent of Congress."

But in section 9, article I, what did the writers of the Constitution provide? They were referring to inalienable rights. What are those rights?

The second paragraph of section 9, article I, provides:

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Does anyone contend—I hope no one does—that by executive agreement the writ of habeas corpus could be suspended? I do not think it could be. All that is desired, under the two proposed amendments, is to make certain that the writ of habeas corpus shall not be suspended in the United States by executive agreement. There has been so much loose language in decisions of the Supreme Court and of the appellate courts that I think the time has come when Congress ought to state definitely that the law is actually what the people of the United States believe it to be today.

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

Mr. FERGUSON. I yield.

Mr. BRICKER. I desire to call the attention of the Senator from Michigan to section 1 of article I, which provides as follows:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

That is the only place in the grant of powers where the word "all" is used in the Constitution. We have now come to the time when, under the decisions of the Supreme Court, the President and two-thirds of the Senate can legislate, and when the President of the United States himself, by an agreement with another power, can legislate for the people of the United States. The Attorney General is attempting to sustain that power in the appeal in the Potato case.

Section 1 of article I is a clear section of the Constitution that has been violated every time an international treaty or executive agreement has become domestic law. That is what the senior Senator from Ohio wishes to prevent. I desire to have all domestic legislation remain in the hands of the Congress of the United States, as it was intended it should remain by the original drafters of the Constitution.

Mr. FERGUSON. At the present moment I am speaking only of sections 8 and 9 of article I. I understand the Senator from Ohio has sent to the desk another amendment, about which I shall wish to speak later. I am now speaking about section 9 of article I of the Constitution, which enumerates the rights that, in my opinion, the people did not want to have anyone take away from them.

Let us move to the next provision of section 9:

No bill of attainder or ex post facto law shall be passed.

I know there are persons who argue that that provision applies only to Congress, because only Congress can pass a law. They say that a treaty or an executive agreement is a combination of a law and a contract not made by Congress. It may not be called legislation, but it has its effects upon the people's rights.

Does anyone contend—I hope no one does—that Congress would be able to make an agreement with another nation by passing a bill of attainder, or that under such an agreement attainder would take place, or that ex post facto decisions would apply?

Let me refer to another provision of section 9, article I:

No tax or duty shall be laid on articles exported from any State.

Could we provide in an international agreement on commerce that a tax would be laid upon articles exported from the States? To whom are the people reserving this right? I think they have reserved it to themselves, in order to prohibit anyone from taking it away from them in any way, because it is one of the inalienable rights.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD that part of the Constitution comprising sections 8 and 9, of article I, which granted to Congress certain powers which provide in effect that those rights and powers shall not be taken from the people.

There being no objection, sections 8 and 9 of article I of the Constitution were ordered to be printed in the RECORD, as follows:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years;

To provide and maintain a Navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibted by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding $10 for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, officer, or title, of any kind whatever, from any king, prince, or foreign state.

Mr. FERGUSON. Mr. President, I desire now to take up each of the amendments to the Constitution and to have them printed as a part of my remarks, because I desire to speak about them.

The first amendment to the Constitution provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I think the amendment as now drafted, amending article VI, would apply to the first amendment to the Constitution, even though the first amendment provides only that Congress shall make no law of the kind proscribed, because I believe that these are inalienable rights. Congress cannot establish a religion, and such an establishment could not be made by executive agreement or treaty.

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

Mr. FERGUSON. I yield.

Mr. BRICKER. I appreciate the Senator's making the record to that extent, because the original first amendment was drafted so as to prohibit Congress from making any such law. It was done because nobody at that time, either in the Constitutional Convention or in the First Congress of the United States, or in the States, in ratifying the Constitution, ever thought that anybody but Congress had any power to legislate. That is the reason why it was written in that way.

Of course, by a recent decision, I think the Senator from Michigan will agree with me that that provision extends to all administrative arms of Congress.

But let me ask the Senator from Michigan about the proposed Covenant on Human Rights, which has been worked on by Congress for a long time with encouragement given by the State Department. Many proponents of that covenant have appeared before committees of Congress, including the Committee on Foreign Relations and the Committee on the Judiciary.

Let it be said, to the fullest credit of the Secretary of State, that the Secretary of State has said that it has many elements of danger in it, and that this administration feels it should not support the covenant because of those elements of danger.

But if it should become the supreme law of the land, by reason of the President acceding to it and two-thirds of the Senate ratifying it, there would be a limitation and restriction, and perhaps the annulment of the rights of freedom of speech, of freedom of the press, and of freedom of personal worship.

Mr. FERGUSON. I hope, too, that Congress will not ratify it if in any way it would violate the first amendment.

Mr. BRICKER. Does the Senator see that provision in the Covenant?

Mr. FERGUSON. Yes; and I find that the 14th amendment seems to try to relate those functions to the States.

Mr. BRICKER. It has been interpreted that it does relate to the powers of the States. Practically every State has a similar provision in its own bill of rights.

Mr. FERGUSON. If the people have prohibited such a right to their Congress, certainly no right seems to be granted to anyone else, unless we look to the inherent right of the President to act. Congress is forbidden to do anything in the way of the establishment of religion or the prohibition of the free exercise thereof, the abridgment of the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition their Government for a redress of grievances.

The combination of the two amendments under discussion would certainly take care of anything arising under the first amendment, or, in fact, any other amendment.

We come now to the fifth amendment, which has been mentioned here in relation to the Pink case:

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself—

The latter clause seems to be the only part of the fifth amendment people remember, the one under which one can refuse to testify on the ground of self-incrimination—

nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

I cite the two amendments to show their relation to the form in which we have drafted the committee amendment. I shall presently come to a discussion of the 9th and 10th amendments.

I am not one who feels that there should be lodged in the States the right in any way to make treaties. The absolute prohibition I have read is in the Constitution. The only exception is that the States have the right, by the consent of Congress, to make agreements and compacts. I think the first case relating to that question involved the State of Maine, and in that case the Court held that the provision meant just what I have stated it meant.

In my opinion the 10th amendment was not meant to apply to treaties. I make that statement based on two reasons; first, that the power to make treaties is granted to the United States; second, that it was prohibited to the States.

The 9th and 10th amendments are tied together so far as the treatymaking power and foreign relations are concerned, except, as I have stated, that agreements or compacts may be made by the States by the consent of Congress.

Other provisions of the Constitution provide that the right to a writ of habeas corpus shall not be suspended except in certain contingencies and that money shall not be appropriated except through an act of Congress.

I say that we must not return, and that no one desires that we shall return to the situation in which my State of Michigan would have to ratify every treaty or every executive agreement. I do not know of anyone who has any such desire.

Mr. BRICKER. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield to the Senator from Ohio.

Mr. BRICKER. Certainly I agree that nobody is in favor of giving any State authority to annul a treaty or make a treaty, other than as authorized by the Constitution with the consent of Congress. Let us read the ninth amendment:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The ninth amendment is rather indefinite. The 10th amendment is more definite. It states:

The powers not delegated to the United State by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Let me recur to the ninth amendment. What are some of the rights retained by the people which are not enumerated in the Constitution?

Mr. FERGUSON. What does the Senator say they are?

Mr. BRICKER. I shall explain a little later what I think they are, but I ask the Senator if he agrees that they are the rights contained within the police power of the States, the right to determine property ownership, the right to build highways, the right to determine speed laws, the right to adjudicate in domestic relations, divorce, alimony cases, and as to family relationships, the rights of employer and employee, insofar as the Federal Government has not absorbed that function, and all matters with which the State legislatures are dealing day by day?

Mr. FERGUSON. I would have to say that, in my opinion, what we are seeking to accomplish—and I believe the Senator is trying to reach the same goal in section 1 and section 2 of the joint resolution as reported by the Judiciary Committee and modified—is to provide that a treaty or an executive agreement should be held unconstitutional if it would attempt to take away those rights.

Mr. BRICKER. As it affects the Federal structure.

Mr. FERGUSON. Yes.

Mr. BRICKER That is what we had in mind originally.

Mr. FERGUSON. That is correct.

Mr. BRICKER Passing that by for the moment, has the Senator anything in mind regarding the rights under the ninth amendment, which are rights retained by the people, than the ones we have been discussing? What are some of the fields which by treaty or legislation the National Government can enter which are reserved to the people under the Constitution?

Mr. FERGUSON. I really cannot give the Senator an answer at this time.

Mr. BRICKER. We tried to get an answer to that question during the hearings, but we did not succeed. I wondered whether the Senator had anything in mind in that respect.

Mr. FERGUSON. No, I have not, but I have stated that I do not think the 10th amendment applies to treaties and executive agreements. The 10th amendment reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States.

That was included when the Federal Republic was established. The Founding Fathers were saying, "There are certain things we will not allow anyone to touch. We will spell them out." They did spell them out. Then they were fearful, in my opinion, that there were some others which they may have forgotten, which were sacred, inalienable, and God-given rights, and they included this provision to indicate that such rights went back to the States or to the people. That is the way I view the 9th and 10th amendments. I do not contend that those two amendments would give the States any right to enter into international relations, through treaties or other international agreements.

Mr. BUTLER of Maryland. Mr. President——

The PRESIDING OFFICER (Mr. PURTELL in the chair). The Senator from Maryland is recognized.

Mr. BUTLER of Maryland. Mr. President, in the interest of continuity, I shall ask my colleagues not to interrupt during the presentation of my remarks.

Mr. BRICKER. Mr. President, before the Senator commences his address, will he yield to me for a moment?

Mr. BUTLER of Maryland. I am glad to yield to my colleague.

Mr. BRICKER. Is the Senator from Maryland willing to yield to me at this time, in order that I may suggest the absence of a quorum?

Mr. BUTLER of Maryland. I shall be glad to yield for that purpose, to the Senator from Ohio, provided it is understood that in doing so, I shall not lose the floor.

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

Mr. BRICKER. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BUTLER of Maryland. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that further proceedings under the call be dispensed with.

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

Mr. BUTLER of Maryland. Mr. President, numerous charges have been made in this Chamber with respect to alleged errors, inconsistencies and fallacies supposedly appearing in a report on Senate Joint Resolution 1 which I filed for the Committee on the Judiciary. I cannot allow those charges to stand uncontroverted, lest some uninformed persons give them a credence which they do not deserve. These charges are baseless, as anyone will discover if he examines the subject more than superficially. I propose to show just how baseless they are.

Many of these charges involve trivia to which I do not intend to reply save to issue a general denial of their accuracy. I must admit that when I first heard them, I felt impelled to answer each and every one of the allegations, whether trivial or not, but upon reflection I decided not to burden Members of the Senate with a lengthy recitation and refutation of minutiae. Consequently I shall try to content myself with replying to those allegations concerning the committee report which are of a more serious nature. I believe that this is consistent with the desire I expressed at the opening of this debate that discussion be commensurate with the importance of the issue involved.

On pages 657 and 658 of the CONGRESSIONAL RECORD of January 22 a Senator referred to the committee report and stated that there are no Supreme Court holdings directly in point showing that the Supreme Court is ready at a moment's notice to rule that a treaty can amend the Constitution or enlarge the scope of authority of the Federal Government.

The history of the legislation involved in the case of Missouri against Holland will show that prior to the adoption of the treaty with Great Britain, similar acts had been declared unconstitutional in Federal courts as being outside the authority of the Federal Government. After the adoption of the treaty, the Supreme Court held that the Federal Government did have the authority to enact legislation not otherwise within its delegated powers. It must be clear to any individual who will examine this case and its history objectively, that the Supreme Court viewed the treaty power as enlarging the scope of authority of the Federal Government, and I submit that the holding is directly in support of that point.

At another point in the discussion of the majority report, reference was made to the available evidence on the question of the self-executing nature of articles 55 and 56 of the United Nations Charter. This was the statement made on the floor of the Senate a week ago last Friday:

> The Department of State and the Department of Justice have both concluded that articles 55 and 56 of the U. N. Charter are not self-executing. (For the official position of the Department of State see letter to the Attorney General from Ernest A. Gross, the legal adviser of the Department of State, reproduced in part in 36 Va. L. R. 1080. The Justice Department made its position clear in its brief amicus curiae in *Shelley* v. *Kraemer* (334 U. S. 1 (1943)).)
>
> Except for an overruled decision by a California court, an unrecorded and unappealed ruling by a judge on a lower Idaho court, and the views of a law professor in Iowa, there is no evidence to support the interpretation that articles 55 and 56 are self-executing. On the other side of the question are the views of almost all of the legal commentators on the subject and the unanimous opinion of all of the judges of the California State Supreme Court which has passed on the question. The question has never arisen in, or been appealed to, the Federal courts.

The author of that statement either did not read, did not comprehend, or ignored a significant passage of the majority report which pointed out that 4 Justices of the Supreme Court in the case of *Oyama* v. *California* (332 U. S. 633 (1948)), thought those articles should be given self-executing effect. Two of those Justices are still on the Supreme Court. For the edification of the speaker who committed that error, citation to that decision, including the names of the Justices involved and the pertinent quotations, appear on page 9 of the majority report. I hope he, and others who may have heard or read his remarks, will note those quotations and then examine the earlier definition of a self-executing treaty, which appears on page 8 of the report. Prof. Quincy Wright is responsible for that definition. Since he is an opponent to the Bricker amendment and a professor, perhaps his definition will prove acceptable to the opponents of the joint resolution.

But that is not all. Others have viewed those articles of the U. N. Charter as self-executing. I have examined a few briefs, amicus curiae, and otherwise, too. Perhaps the opponents of this amendment should be aware of a few individuals and organizations who have viewed articles 55 and 56 as self-executing. The opponents might examine the briefs in the Takahaski case, for instance. Several briefs urge the court to strike down a State law which they viewed as inconsistent with the human rights provisions of the charter. Let me list some of them.

In the brief for the petitioner on the writ of certiorari in the Supreme Court of the United States, it is pointed out, at page 33:

> More recently, the Federal Government has taken further action in this field. By articles 55 and 56 of the United Nations Charter, this Government has pledged itself to take joint and separate action in cooperation with the organization to achieve.

There follows a recitation of the text of paragraph C under article 55 of the United Nations Charter.

Then later in the brief, beginning on page 37, it states:

> Thus it will be seen that the Federal Government has legislated domestically, and, in the international field, has twice agreed with other nations to eliminate within its borders the very discrimination on account of race which the amendment of 1945 to the California Fish and Game Code, if valid, would perpetuate. This amendment must, therefore, fall in the face of this national action.

It may be interesting to some Senators to know that one of the counsels for the petitioners in this case was former Secretary of State Dean Acheson.

The National Association for the Advancement of Colored People filed an amicus curiae brief in this action, in which they stated:

> More recently they [aliens] have been afforded an added protection by the act of the United States in subscribing to the United Nations Charter, article 55 of which has pledged this country to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.
>
> The United Nations Charter is a treaty, duly executed by the President and ratified by the Senate (51 Stat. 1031). Under article VI, section 2 of the Constitution such a treaty is the "supreme law of the land" and specifically, "The judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."
>
> * * * * *
>
> While it is true that Japan is not a party to the United Nations Charter, the treaty obligations of the United States under the charter are not limited simply to nationals

of the other member nations. It has now become clear by the action of our own Government and of other governments in international affairs that the treatment of any minority group within any country is a proper subject of international negotiations.

* * * * *

There cannot be any question that this legislation violates the letter and the spirit of the treaty obligations of the United States and under our Constitution must fall before the superior power of such treaty.

Another brief filed in that case was that filed by the American Jewish Congress. On page 2 of the brief of that organization this paragraph appears:

We believe that this provision is invalid for the further reason that it violates Federal policy, especially as embodied in the United Nations Charter (art. 55, ch. 56; 59 Stat. 1046). The fundamental issue of the impact of this policy upon State discriminatory practices has been presented to this Court in the pending cases involving the enforceability of restrictive covenants. (*J. D. Shelley* v. *Louis Kraemer* (October term, 1947, No. 72; also Nos. 87, 290, and 291).) The relevance of that issue here is clear. See concurring opinions of Justices Black and Murphy in *Oyama* v. *California* (92 L. Ed. 257, 266, 278). However, we will not dwell further on that subject, as we believe that the equal protection clause alone requires reversal of the present judgment.

Another brief filed in the same case was filed by the American Civil Liberties Union. In their brief that organization made this assertion:

To permit enforcement of such a discrimination embodied in State law would conflict with the treaty obligation undertaken by the United States under the United Nations Charter, to "promote * * * universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." United Nations Charter, articles 55 and 56; 59 Stat. 1046, 1945).

Since the foregoing obligation is under article VI, clause 2 of the Constitution, the supreme law of the land, it follows that the statute must be denied enforcement for this reason as well.

The footnote to this last paragraph reads as follows:

Nielson v. *Johnson* (279 U. S. 47); *Missouri* v. *Holland* (252 U. S. 416). For the particular applicability of the cited charter provisions to anti-Japanese legislation, see *Oyama* v. *California* (332 U. S. 633, 649, 650, 673, concurring opinions).

And finally, another brief filed in that case was the brief of the American Veterans' Committee, which contains the following statement, beginning at page 15:

Since section 990 of the California Fish and Game Code denies to some persons, solely because of ther racial ancestry, this "human right and fundamental freedom," which the charter expressly states applies "for all" persons "without distinction as to race," the racial discrimination in section 990 is plainly inconsistent with the charter. Under article VI of the United States Constitution, the supremacy of this Federal treaty provision overrides "anything in the * * * laws of any State to the contrary notwithstanding." [Citations omitted.] Indeed, this court could not permit the continued enforcement of section 990 without thereby itself violating the pledge of this Nation to "promote * * * universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race."

I should not neglect to mention the American Association for the United Nations which, in an amicus curiae brief, in the case of Shelley against Kraemer, argued for self-executing effect for articles 55 and 56. After the California case, the American Association for the United Nations changed their tune (see p. 755 of the hearings), temporarily, at least.

I cannot help wondering whether the Senator was acquainted with all these statements when he made his assertion that there was no evidence to support the interpretation that articles 55 and 56 are self-executing and that almost all of the legal commentators on the subject are on the other side of the question. Perhaps a closer study of the matter is warranted on the part of the Senator, since most of these organizations support him in his opposition to the amendment.

I shall touch on one more statement made recently on the subject of the non-self-executing clause of the Bricker amendment.

The statement made reference to the report and the citation it contained to the decision of an appeal court in California on the self-executing nature of articles 55 and 56. Then the statement was made that the lower court holding had been reversed. The statement was so worded as to infer that the majority report did not record that fact. I invite Members of the Senate to examine page 9 of the report again to see for themselves that such was not the fact. To be exact, the committee report is more correct than the statement in the speech delivered a week ago last Friday because the decision in that case was not reversed—"the opinion," I think the statement called it. The truth is, the same decision was reached although the highest court of California disagreed with the reasoning expressed by the lower court. "Opinions" are not overruled in law; decisions are. If the opponents of the resolution desire precise accuracy in others, let them be accurate themselves.

Following the statement that the opinion cited had been overruled by the California Supreme Court on this point, the Senator made the statement that "in fact, the lower court opinion does not even appear in the permanent California reports". This, of course, is misleading; it infers that the case is not even reported, when, as a matter of fact it is, and the Senator will find the citation to the case on page 9 of the committee report. To save the Senator the trouble of referring to page 9, I will tell him here and now that he can find the decision of the lower California court in 217 P. 2d at page 481 and again at 218 P. 2d 595.

On page 659 of the CONGRESSIONAL RECORD dated January 22, the Senator referred to a statement in the majority report that three judges in the steel-seizure case seemed to find authority for the seizure of a whole industry in the obligation of the President to carry into effect certain treaties and acts of Congress. The observation was then made that such a statement regarding the steel-seizure case was purely a statement of opinion and not of fact. The Senator then sought to show that the statement had been categorically rejected by no less a lawyer than Attorney General Herbert Brownell. The Senator, however, did not make reference to a resolution adopted by the National Association of Attorneys General, representing the attorneys general of all of the 48 States, wherein that distinguished body of lawyers stated:

Whereas adherence to this new concept of international relations and obligations of national states, directly affecting private persons and property even when not expressly required by treaty terms, has reached such a level of judicial acceptance as to be incorporated in a dissenting opinion of the Supreme Court of these United States wherein the general military obligations of the United States under the terms of the United Nations Charter and conventions and the North Atlantic Treaty were advanced as justification for the seizure of private property by the National Government and might equally well be advanced as a justification for invasion of the traditional liberties of our citizenry.

In the resolving clause the National Association of Attorneys General recommended that steps be taken to amend the Constitution to subordinate the treatymaking power of the National Government to each and every provision of the Bill of Rights to the Constitution. If the Senators would like to examine that resolution, they will find it on pages 695 and 693 of the hearings on Senate Joint Resolution 1. Whatever the Attorney General may have thought concerning the dissent of the three judges in the steel-seizure case, the National Association of Attorneys General seem to have a different viewpoint.

Later on in his presentation the Senator made the statement that the majority report gives credence to the oft-repeated but never substantiated statement that over 200 treaties are in preparation in the United Nations or its affiliated agencies. The statement which appears in the committee report reads as follows:

The committee is informed that over 200 treaties are in various stages of preparation in the United Nations or its affiliated agencies.

The Senator suspected that the vast majority of the treaties referred to in that statement were International Labor Organization documents. I do not know why the Senator chose the word "documents" because in most cases they were referred to by the International Labor Organization as conventions. I do not think the Senator knows which of these conventions, or documents, whichever we want to call them, will be submitted to the Senate upon their completion. On page 535 of the hearings on Senate Joint Resolution 1, a witness who himself was an employer-delegate to the International Labor Organization said that there was now in existence in the International Labor Organization conventions ready for submission dealing with the following subjects:

Safety provisions in the building industry.

Gathering of statistics on wages and hours in mining, manufacturing, building, and agriculture.

Government regulation of written contracts of employment of indigenous workers.

Government regulation of hours of work and rest periods of bus and truck drivers.

Medical examination of children employed in industry.

Freedom of association of employees and protection in the right to organize.

The setting up of a Federal employment service.

Regulation of night work of women employed in industry.

Labor clauses in public contracts.

Regulation of methods of payment of wages.

Government regulation of employment agencies.

Minimum wages in agriculture.

Equal pay for men and women for equal work.

Holidays with pay in agriculture.

Social security.

Government benefits for maternity.

Will the Senator who spoke a week ago last Friday inform the Senate how many of these will likely be submitted as treaties, and which ones? I do not know why any of them should be submitted as treaties, in view of the fact that the Secretary of State testified, as did his legal adviser, that the Department of State has not participated in the formulation and adoption of any of the ILO conventions. That testimony begins on page 895 of the hearings. On page 896, the legal adviser of the Department of State says:

There are some 170 various conventions that have been drafted since we became parties to the International Labor Organization.

Mr. Phleger also testified that it was his understanding that the Department of State did not participate at all in the formulation of these conventions. As a matter of fact, Mr. Phleger went on to testify that he did not think the Department of State was consulted at all on whether the convention on maternity protection was an appropriate subject for international agreement. Thus we have the spectacle of treaties being prepared by an international agency in which the Department of State did not even participate and was not even consulted. The opponents of the Bricker amendment expect us to believe that no treaty will be made on a subject which is not proper for international negotiation, yet the department of Government supposedly best able to prepare treaties has not even been consulted on some of them. With knowledge of that, what right have we to expect that no treaty will be made involving a matter which most of us would agree was not a proper subject for international negotiation?

A distinguished Senator made the remark during this debate that during the early drafting stages of the Covenant on Human Rights, the United States made it clear that we could never become a party to that covenant without the inclusion of a non-self-executing clause and a Federal-State clause. He also observes that these clauses would have protected us from the "pictured dangers." It looks as if the Senator again did not read the record of the hearings conducted by the Committee on the Judiciary on this resolution, for, if he had, he would have found on page 618 a report of the committee on amendments to the Federal Constitution of the New York State bar. That committee does not favor the Bricker resolution yet, let me read a portion of their views with respect to the competence of these clauses which the Senator says would have protected us from the "pictured dangers":

If such a treaty as the Covenant on Human Rights is within the treatymaking power, then under our Constitution and the decisions of our Supreme Court the effect of our becoming a party to the covenant would be to give the Congress of the United States full power to enact legislation effective within the States to put the covenant into effect. That obviously would be accomplished in accordance with the constitutional processes of the United States. It would be a result consistent with our Constitution, as already determined in *Missouri* v. *Holland*. Consequently, Congress would be in accordance with our constitutional processes, have full power, and subdivision (b) dealing with favorable recommendations to the States would be inoperative. If we want to put a clause in the covenant on this subject, it would have to go further and provide that the Federal Government assumes no obligation to enact legislation which it could not constitutionally enact, in the absence of the treaty. This would relieve the Federal Government from an obligation to enact Federal legislation, but even then it might be held that under the rule in *Missouri* v. *Holland*, Congress would gain power to fully implement the covenant although under no international obligation to do so.

From this quotation it may be seen that the Senator's own allies do not support his position on the adequacy of these clauses.

In discussing the ratification and implementation of treaties, the statement recites the sentence in the committee report which reads:

The United States is one of the few Nations of the world where a treaty becomes domestic law of the land immediately upon ratification.

The point being made at that time was that the treaty did not become part of the domestic law without action by the legislature of the signatory nation. It should be noted that in the recitation by the Senator of the laws applying in the several countries, reference is sometimes made to ratification of treaties and other times to a time when a treaty enters into force. In either case, it will be recognized by a reading of the recitation of the various laws and constitutions of the major nations of the world, that the predominate number of them require action by the body which is comparable to our Congress, either before the treaty enters into force or is ratified, or in some cases, afterward. The point which is largely ignored by opponents of the Bricker amendment is the fact that the legislation referred to in section 2 of the amendment may either precede or follow the adoption of a treaty. If it precedes the treaty, then by the Senator's own description, it is the same procedure as that followed in Great Britain and the other dominion nations on some occasions. That this section of the amendment contemplates that the legislation referred to may be prior to as well as subsequent to the adoption of the treaty, is borne out by references in the committee report. For instance, on page 11 of that report this statement appears:

The effectiveness of any treaty within the United States will be limited to the extent that appropriate legislation has not been enacted.

Reference might also be made, to establish this point, to page 30 where the report states:

In authorizing, for example, reciprocal-trade agreements, Congress could certainly provide in the same act that any agreement made by the President under its authority would become internal law in the United States.

This statement, although made with reference to executive agreements is equally applicable to treaties since by the terms of section 3 of the amendment, executive agreements are made subject to the limitations imposed on treaties.

It is important that those who study the Bricker amendment recognize the importance of the fact that the legislation referred to may be prior to the adoption of the treaty. This means, of course, that if a treaty is adopted within an area ordinarily reserved to the States and the State legislatures have already enacted legislation which would be in furtherance of the amendment, the treaty would immediately enter into force in those States. This realization becomes important when it is said that the Bricker amendment would render impossible the making of treaties of friendship, commerce, and navigation dealing with the rights of aliens to own lands within the several States. The testimony before the committee of a well qualified witness who had examined the State laws was that 40 of the 48 States now permit ownership of land by aliens. Thus any treaty containing a provision permitting aliens to own land in the United States as freely as citizens would immediately become valid within 40 of the 48 States of the United States. It does not seem to me that this renders impossible the negotiation of such a treaty.

As a matter of fact, the United States has concluded treaties with foreign nations on this sort of basis both in the past and at the present time. The treaty involved in the case of Geofroy against Riggs contained the following provisions:

In all the States of the Union, whose existing laws permit it, so long and to the same exent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as citizens of the United States. * * *

As to the States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engaged to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

Similar provisions appear in some modern treaties. For instance, the treaty of friendship, commerce, and navigation, signed with China on November 4, 1946, reads in part as follows:

The nationals, corporations, and associations of either high contracting party shall be permitted to acquire, hold, and dispose of real and other immovable property throughout the territories of the other contracting party subject to the conditions and requirements as prescribed by the laws and regulations of such other high contracting party * * *. In the case of any State, Territory, or possession of the United States of America which does not now or does not

hereafter permit the nationals, corporations, and associations of the Republic of China to acquire, hold, or dispose of real and other immovable property upon the same terms as nationals, corporations, and associations of the United States of America, the provisions of the preceding sentence shall not apply. In that case, the Republic of China shall not be obligated to accord to nationals of the United States domiciled in and to corporations and associations of the United States of America created or organized under the laws of such State, Territory, or possession treatment more favorable than the treatment which is or may hereafter be accorded within such State, Territory or possession to nationals, corporations, and associations of the Republic of China.

As I recollect, provisions respecting certain State laws appeared in recent treaties with Greece, Denmark, Ethiopia, Israel, and Japan. It should be abundantly clear to anyone who has not blinded himself that such treaties have not been the cause of any loss of sovereignty by the United States. Although these types of treaties would be permitted under the terms of the Bricker amendment, as reported by the Judiciary Committee, the opponents of the measure have been loudly proclaiming that its ratification would make the Federal Government only partially sovereign. The ridiculous nature of this charge is apparent from the conclusion of this type of treaty prior to the consideration of this amendment, and even more so, because of treaty requirements now obtaining in Canada. Who is prepared to say that Canada is only partially sovereign? Canada continues to enter into agreements and treaties, notwithstanding its provisions of law, or criticisms of her by law professors. The fact of the matter is that Canada is as fully sovereign as we are at the present time, and as sovereign as we would be under the terms of the proposed amendment.

The majority report of the Committee on the Judiciary was also criticized recently for saying that the case of Missouri against Holland provided the mechanism whereby Congress has power to make laws pursuant to a treaty which it would not possess in the absence of a treaty. The statement of the Committee in its report reads as follows:

2. "WHICH" CLAUSE

a. Necessity for clause: The Constitution of the United States vested all the legislative powers granted in that instrument in a Congress of the United States consisting of a Senate and a House of Representatives. It also conferred upon the Congress the power to make all laws which shall be necessary and proper for the carrying into execution of all of the powers vested by the Constitution in the Government of the United States, or in any department or officer thereof. These have always been significant grants, but they became even more significant after the decision of the Supreme Court of the United States in *Missouri* v. *Holland* (cited supra). As indicated earlier, the case of *Missouri* v. *Holland* established that the treatymaking power was a delegated power which was, therefore, not restricted by the reservation of the States and the people in the 10th amendment. *Missouri* v. *Holland* has provided the mechanism whereby the treatymaking authority can adopt treaties on subjects not normally within the legislative powers, and by virtue of that ability and the necessary and proper clause, the Congress may pass legislation pursuant to a treaty which it could not otherwise constitutionally enact.

Under this unusual authority the Federal Government has within its power the means to destroy the present Federal-State relationship. At the time the Constitution was adopted, and until recently, treaties were restricted to their traditional field as instruments of contract between sovereign nations, imposing duties and obligation on the contracting states and not on individual citizens. As long as treaties were so restricted, the need for constitutional limitation on treatymaking power perhaps was not so strikingly urgent. As mentioned earlier, however, treaties are today being proposed which impose criminal and civil liabilities directly on individual citizens, which affect their rights, and impose duties on individual citizens, all of which were heretofore reserved for State legislation.

I submit that the foregoing statement in its proper context is neither illogical nor inaccurate, as charged by the opponents of the pending resolution. The committee statement recites the authority in the Constitution relied upon in the case of Missouri against Holland, and then sets forth the uncontroverted fact that Missouri against Holland is responsible for exposing this possibility of Congress' lifting itself by its own bootstraps. That the result of Missouri against Holland was not contemplated by those who lived at the time of the adoption of the Constitution appears evident from the comment of Thomas Jefferson in his Manual of Parliamentary Practice, wherein he stated:

By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaties and cannot be otherwise regulated.

It must have meant to except out all those rights reserved to the States; for surely the President and the Senate cannot do by treaty what the whole Government is interdicted from doing in any way.

The opponents of the proposed amendment, in contending that the Founding Fathers intended the results of Missouri against Holland, invest those mortal men with visionary powers unparalleled in human history. I do not seek to discredit the Founding Fathers in any respect, but I do not think it is correct to assert that the Founding Fathers could have contemplated the formation of the United Nations and the attempts of that body to formulate rules of conduct for individual citizens in the signatory nations. This is something new on the horizon, and nowhere has it been better stated than in the Annals of the American Academy of Political and Social Sciences, wherein Mr. John P. Humphrey, at that time Director of the Division of Human Rights of the United Nations, wrote:

What the United Nations is trying to do is revolutionary in character. Human rights are largely a matter of relationships between the state and individuals, and therefore a matter which has been traditionally regarded as being within the domestic jurisdiction of states. What is now being proposed is, in effect, the creation of some kind of supernational supervision of this relationship between the state and its citizens.

The Bricker amendment is a sincere and conscientious effort to meet, through our constitutional system, a situation which did not exist at the time of the adoption of the Constitution, and which was not within the reasonable contemplation of those who participated in its formulation.

In a discussion of the ability of the courts to rule on the constitutionality of treaties, the report of the Committee has been criticized for reciting language in the decision in the case of *United States* v. *Reid* (73 Fed. 2d, 153, 155), to the effect that there is some doubt whether the courts have power to declare the plain terms of a treaty void and unenforceable. The statement made on the floor of the Senate the other day attempts to discredit this statement by citing a footnote in the case of *Perkins* v. *Elg* (307 U. S. 325). The statement was made that the court said that it was compelled to disagree with the Reid case, as its conclusions "are not adequately supported and are opposed to the established principles which should govern the disposition of this case."

This reference to the case of Perkins against Elg is misleading, since the footnote to which the speaker referred is not authority for asserting that the statement cited in the report was in any wise discredited. I shall now read the footnote which appears at page 349 of volume 307 of United States Reports, which presumably is the citation referred to, but not quoted by the speaker criticizing the majority report. This is the footnote:

The same may be said of the opinion of the Circuit Court of Appeals of the Ninth Circuit in *United States* v. *Reid* (73 F. 2d 153 (certiorari denied upon the ground that the application was not made within the time provided by law, 299 U. S. 544)), so far as it is urged by petitioners as applicable to the facts of the instant case.

In discussing the authority of the Supreme Court to declare treaties unconstitutional, the opponents of the joint resolution have sought to discount the language appearing in the celebrated case of Marbury against Madison, which contains an indication that the Court, in asserting its authority to declare an act of Congress unconstitutional, relied, at least to some extent, upon the "in pursuance" clause of article VI of the Constitution. They follow this assertion with the fastest shuffle of position I have witnessed for some time. After denying that the Court relied in any respect upon the "in pursuance" language of article VI, they assert that Marbury against Madison supports the supremacy of the Constitution over treaties. Yet they acknowledge that no treaty was at issue in Marbury against Madison, and certainly the language of article VI of the Constitution does not require treaties to be in pursuance of the Constitution. Even so, the majority report did not urge the case of Marbury against Madison as establishing that a treaty could not be declared unconstitutional by the Supreme Court, but asserted solely that that case does not negate the possibility that a treaty need only be made under the authority of the United States rather than in pursuance of the Constitution. There is a considerable difference between a statement that a case does not negate a possibility, and an assertion that a particular case supports a possibility. This

is indicative of the careless reading of the majority report inherent in the attempts which have been made to discredit it. The case which was cited stands as authority for the point which was made, and nothing in the argument of the distinguished Senator who recently spoke on the floor alters that fact.

One of the allegations made concerning the effect of the "which" clause is that it would prevent any attempt by this Nation to cooperate with other nations to eradicate narcotics trade. This statement is often based upon a lower court decision, *Stutz* v. *Bureau of Narcotics* (56 F. Supp. 810), which held that Congress could regulate the growing of poppies within a State by virtue of the fact that a treaty had been concluded on that subject prior to the adoption of the Opium Poppy Control Act of 1942. That act forbids the growing of opium poppy except under Federal license, and limits such licenses to the quantities needed for medical and scientific requirements. The majority report points out that it is hardly correct to conclude from this case alone that the Congress lacked the power to regulate the growing of poppies simply because a lower court chose to rest its decision upon the authority of Congress under a treaty previously adopted. However, the criticism was voiced a week ago Friday that the report did not say that in addition to this case, the General Counsel of the Treasury Department had testified that the United States could not become a party to a treaty designed to control traffic in narcotics drugs if the "which" clause of the Bricker amendment were in effect.

In order that Senators may understand the exact nature of the problem here under discussion, the sole question involved is whether the Congress now has power to deal with narcotics and the growing of opium poppies without a treaty. If it does, this Government would not be impaired in any manner in concluding with other nations treaties on the subject of narcotics control. With all due respect to the opinions of the General Counsel of the Treasury, I do not feel that he has given sufficient weight to the power of Congress under its delegated authority to regulate interstate commerce. As all of us know, the Congress has the constitutional authority to control the domestic production and distribution of wheat. Such power has been exercised by the Congress in the Agricultural Adjustment Act of 1938, as amended by the act of 1941, where production is regulated even when not intended for commerce, but only for consumption on the producer's farm. *Wickard* v. *Fillburn* (317 U. S. 111, 118, et seq.). If the Congress possesses this power with respect to wheat, by what stretch of the imagination can it be concluded that Congress does not have a similar power over the growing of opium poppies, especially when the added obligation of protecting the national health and welfare is involved? The opponents of this amendment are not casting doubt on the effect of the "which" clause, as much as they are on their own knowledge of Supreme Court decisions involving the powers of Congress. Whatever may be the views of Members with respect to these decisions of the Supreme Court, we must recognize that they are now the law, and that Congress does have authority to act in areas which some previously thought were beyond congressional power.

Mr. President, let us now discuss for a moment the effect of the "which" clause on the rights of aliens within the United States. The Senator from Ohio [Mr. BRICKER] in his very excellent statement on the floor the other day pointed out that in two cases, Hines against Davidovitz and Tackahashi against the California Fish and Game Commission, the Supreme Court of the United States had clearly indicated that Congress, by virtue of its powers over immigration and naturalization, had ample authority over aliens within the United States. The briefs submitted to the Supreme Court in the Tackahashi case are very interesting, and Senators who are lawyers would undoubtedly be interested in the statements contained in them. For instance, the brief submitted for the Government by the then Attorney General, Tom C. Clark, and the then Solicitor General, Philip B. Perlman, states at pages 22 and 23:

> Whatever its basis, there can be no doubt as to the supreme power of Congress to prescribe the terms and conditions upon which aliens may enter or remain in the United States. *United States ex rel. Volpe* v. *Smith* (289 U. S. 422, 425.) The Civil Rights Act of 1870 constitutes a legitimate exercise of that power. It commands that aliens shall have "the same right in every State and Territory * * * to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

If the Congress has the authority, attributed to it by the Attorney General and Solicitor General, to prescribe the terms and conditions upon which aliens may enter or remain in the United States, including their right to full and equal benefit of all laws and the same treatment as citizens in matters of punishment, pains, penalties, taxes, licenses, and exactions of every kind, I do not see how it can be contended that the Congress would not have authority to implement any treaty of friendship, commerce, and navigation after the adoption of the "which" clause. This authority exists independent of any treaty, and for that reason is not affected by this amendment.

The next objection raised to the "which" clause has been that it might render impossible the conclusion of treaties of extradition. In the report which I filed for the majority on Senate Joint Resolution 1, I sought to show that these objections were without foundation in fact. Nevertheless, despite that showing, argument has again been made on the floor of the Senate that if the "which" clause were adopted, treaties of extradition could not be made. Again such an argument must be based upon the assumption that Congress has no authority, in the absence of a treaty, to provide for the extradition of criminals. This assumption is utterly without foundation; and I think I can prove that it is, by using the same authorities previously cited by the opponents of the joint resolution to back up their argument.

In the statement made on the floor a week ago last Friday, the Senator quoted a statement from a volume authored by Mr. Charles Cheney Hyde. In this volume Mr. Hyde makes reference to a decision of the Supreme Court in the case of *Ballantyne* v. *U. S.* (299 U. S. 5), and quotes a statement from that case that—

> Applying, as we must, out own law in determining the authority of the President, we are constrained to hold that his power, in the absence of statute conferring an independent power, must be found in the terms of the treaty.

Please note that in that opinion Chief Justice Hughes qualified his statement by saying "in the absence of statute conferring an independent power." This alone would suggest that Congress has authority to provide for the extradition of criminals without resort to the treaty power, and that both Mr. Hyde and Chief Justice Hughes recognized such authority.

Also quoted in an attempt to show that the power of extradition was solely a matter of treaty law was the learned work of Mr. John Bassett Moore entitled "Digest of International Law." These quotations when submitted on the floor of the Senate, however, were not complete, for the speaker omitted to mention the "a" section dealing with extradition without treaties, appearing at pages 248–253 of volume 4 of Moore's Digest. Judge Moore in this volume reached the conclusion that, in the United States, the general opinion and practice has been that, in the absence of a conventional or legislative provision there is no authority in the Government to deliver up a fugitive to a foreign power. I hope Senators will note particularly the language of Judge Moore when he says, "In the absence of legislative provision" as well as "conventional provision." Judge Moore also reaches the same conclusion in volume I of his work on treaties of extradition which was not cited to the Senate the other day. But lest there continue to be any doubt of it, let me quote a statement from the decision of the Supreme Court in the case of *Grin* v. *Shine* (187 U. S. 181, 191). It is the last sentence of this quotation which I want to draw to the attention of Senators, but in order that it may be placed in its proper context I shall read the preceding sentence. This is the quotation from the case:

> The treaty is undoubtedly obligatory upon both powers, and, if Congress should prescribe additional formalities than those required by the treaty, it might become the subject of complaint by the Russian Government and of further negotiations. But notwithstanding such treaty, Congress has a perfect right to provide for the extradition of criminals in its own way, with or without a treaty to that effect, and to declare that foreign criminals shall be surrendered upon such proofs of criminality as it may judge sufficient.

I hope this recitation of authority will convince Senators of the complete invalidity of this argument against the "which" clause.

One of the opponents of the joint resolution, in a speech on the Senate floor stated that he took sharp issue with the

proposition stated in the majority report, that neither a reservation nor an understanding affects the power of Congress to set aside State constitutions and laws and existing Federal law within the purview of the treaty. The untenable nature of this position is easily demonstrable. Just following that statement, the speaker took the position, with which no one disagrees, that subsequent legislation can annul the domestic effect of a treaty. This being the case, it is possible for Congress to pass an act in derogation of a reservation adopted by the Senate and asserting authority which the reservation sought to discount. It should be clear that it is no more difficult to remove the effect of a reservation to a treaty by subsequent legislation than it would be to remove certain aspects of the domestic effect of a treaty once made. As a matter of fact, it may prove even less difficult. Whereas the President would likely veto legislation limiting the domestic effect of a treaty which he negotiated, the same officer of the United States would be less likely to veto legislation reversing a reservation attached by the Senate.

Whether the opponents of this resolution choose to recognize it or not, it is possible for the Congress to legislate with respect to a treaty, even though reservations to that instrument would seem to deny that authority. The opposition once more has reached the wrong conclusion as the result of their love for their own rhetoric rather than their adherence to facts and law.

The basic criticism of the opponents directed at the committee report on section 3 of the resolution, relating to executive agreements, seems to be that the committee did not give more particular attention to the "relative powers of the Congress and of the Executive under the Constitution." There is at least one very obvious reason why this was not done. The constitutional amendment proposed here only confers upon the Congress the power to regulate executive agreements. It does not seek to delineate the areas within which regulation is required. That remains to be worked out through legislation adopted by the Congress and approved by the President. That such legislation will be worked out with due regard to the constitutional powers of the Chief Executive and the Congress should be apparent when it is realized that the President ond one-third of either House, plus one, can forestall any bill which does not give proper consideration to the separation of powers.

On the same subject of executive agreements, the opponents of this resolution have been hard put to explain away the sweeping effect of the opinion and decision in the cases of United States against Pink and United States against Belmont. They will likewise have some difficulty in explaining the language used in the opinion of the United States Court of Claims in a case appearing at 106th Federal Supplement at pages 191 and 195, where that court states that—

> The Byrnes-Blum agreement between the United States and France is the type of agreement which has been recognized as a treaty within the meaning of article VI, clause 2, of the Constitution and thus is a part of "the supreme law of the land" (citing the Pink, Belmont, and other cases).

No explanation which has heretofore been made, or which may hereafter be made, can divorce the Pink case from its result and the language used to reach that result. It is a fact that the Supreme Court in that case did give an executive agreement effect over State laws and State policies, and it is also a fact that the language of the decision is consistent with that result, protestations of some of the opponents to the contrary notwithstanding. If the President of the United States can override State court decisions as a result of an agreement concluded simultaneously with the recognition of an ambassador, I see nothing which would prevent him from making any other kind of agreement affecting State law as an incident of this authority to receive ambassadors or, for that matter, as an incident of any of his other powers. The Senator who sought to distinguish the conclusion reached in the Pink case on the basis that the agreement was concluded as an incident of the Presidential power to receive ambassadors should know that even his own allies do not agree with him. Mr. Philip Jessup, whom I hesitate to cite as an authority, but who happens to be opposed to this joint resolution, seemingly for many of the same reasons as those announced by Senators on this floor, wrote, in volume 36 of the Journal of American Law, at page 282:

> From the point of view of our constitutional law, the decision may well mark one of the most far-reaching inroads upon the protection which it was supposed the fifth amendment afforded to private property.

Undoubtedly Mr. Jessup had in mind the statement of the majority opinion in the Pink case when he said that, for the Court said:

> The fifth amendment does not stand in the way of giving full force and effect to the Litvinov assignment.

The dangerous implication underlying the Pink and Belmont cases will not be dispelled by high-sounding platitudes voiced by those who oppose this amendment. The possibility of abuse of this executive authority is plain enough. We need not wait for further abuses to demonstrate the need for this amendment.

In attacking the analysis of the committee report that the President could by his veto usually block any invasion of his constitutional prerogatives, one of the opponents sought to discredit this analysis by asserting that such regulation could take the form of legislation attached to an appropriation measure. In the first place, the Senator ought to realize that legislation on an appropriation measure would be subject to a point of order, and such a point of order would undoubtedly be sustained. Secondly, I have no doubt that if the Congress ever sought to invade the constitutional prerogatives of the President through such a device, the President would not hesitate to veto such legislation, even at the expense of many unpaid bills on the part of the Federal Government, and that he would promptly proceed to put the blame for those unpaid bills on the back of the Congress. Also, the suggestion that such a procedure would be followed by the Congress in order to regulate executive agreements is unwarranted.

The provisions in this amendment relating to executive agreements are as important, if not more so, than any other phase of this bill. The Senator from Georgia, in introducing his substitute, it seems to me, has given recognition of this fact, for he has included a provision in that substitute that an executive agreement shall not have the force and effect of law in this country until the Congress adopts legislation to implement it. While the vigilance of the Senators in giving their advice and consent to a treaty may offer some solace so far as treaties are concerned, no such comfort can be gained where Presidential executive agreements are involved.

The Pink and Belmont cases stand as a warning to this body, and a plea of ignorance will be of no avail if further extensions of this device by future Presidents develop. I do not agree with those individuals who contend that we must stand and wait until such an eventuality becomes a reality, for liberty lost is seldom regained. When the power of Congress and the reserved rights of the States and the people have been invaded by an ambitious Executive, the authority thus lost may be irretrievable. It is undoubtedly trite but true that it is much too late to lock the barn door after the horse has been stolen. As Mr. Justice Sutherland has said:

> For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

I regret that I have been compelled to answer with such vehemence the unwarranted statements which have been made concerning the committee report. However, I do not feel that I could ignore such charges and expect those who read the RECORD to be able to sift through them and discover their fallacies. The majority report is sound in analysis and well documented. I urge all Senators who have not done so, to read it carefully.

CRITICISM BY LEGISLATURE OF GUATEMALA OF REMARKS BY SENATOR WILEY

Mr. WILEY. Mr. President, the junior Senator from New York [Mr. LEHMAN], who is to speak at this time, has agreed to yield me 5 minutes.

Mr. LEHMAN. Mr. President, I shall be very glad to do so, provided I do not not lose the floor.

Mr. WILEY. I make the unanimous-consent request that the Senator from New York may be permitted to yield to me, with that understanding.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Wisconsin may proceed.

Mr. WILEY. Mr. President, the newspaper wire services have reported the action of the Guatemalan Legislature on February 1 in passing a resolution, criticizing me for the statement which I made on the floor of the Senate on January 14 in which I pointed out the alarming Communist penetration of the Guatemalan Government.

The resolution adopted by the Guatemalan legislators is, of course, an unfortunate, unjustified, and indeed a ridiculous approach to the very serious problems which that country is facing.

LEGISLATURE DID NOT TRY TO REFUTE CHARGES

The Guatemalan Congress objected to my remarks, but in no way did it refute or even pretend to refute the 22 incontrovertible facts which I had set forth, showing the extent of Communist intervention in Guatemala.

I emphasize the word "intervention" because in my judgment, the Soviet Union has manifestly—through act after act—demonstrated a blatant policy of intervention in the internal affairs of republics of the hemisphere and, in particular, of Guatemala.

LEGISLATURE SHOULD TRY TO FREE GUATEMALA FROM COMMUNISM

Now, of course, it is not my intention to engage in a running discussion with the members of the Legislature of Guatemala or of any other government.

I can only express the hope that non-Communist members of the Guatemalan Legislature would devote their energies toward combating the dangerous Communist octopus whose tentacles are tightening around every segment of their own nation.

I would hope that the non-Communist Guatemalan legislators would direct their energies toward the regaining of their country's independence from the Soviet intervenors in their internal affairs.

I would hope that the executive, legislative, and judicial branches of that government might act so that Guatemala might reembark on a course leading toward her full freedom, her full prosperity, toward the improvement of her relations with her sister republics and toward a greater share of earth's blessings for all of her own people, in accordance with the free enterprise system.

Mr. President, I intend to continue to speak the truth on Guatemala, or on any other subject, as I see it.

I intend to continue to combat the international Communist conspiracy wherever it rears its ugly head.

I intend to join with my colleagues on the Senate Foreign Relations Committee and, in particular, those of my colleagues on the American Republics Subcommittee, headed by my friend, the distinguished senior Senator from Iowa [Mr. HICKENLOOPER], in continuously reviewing this problem, so that we are adequately informed and so that the American people are adequately informed.

In my initial address on this issue, I referred to 22 basic facts about Communist penetration of Guatemala. It is my intention in the future to add to those 22 facts by citing further incontrovertible evidence.

FACT NO. 23: PRO-RED ACTIVITIES BY AMBASSADOR ALVARADO FUENTES

I should like today, however, simply to refer to fact No. 23.

I refer to activity of the Guatemalan Ambassador to Mexico City, Senor Alberto Alvarado Fuentes, who held a press conference on February 2 for the purpose of repeating the false Guatemalan charges of alleged "plotting" attributed to United States interests for the alleged purpose of overthrow of the Guatemalan Government.

These absurd charges made by the Ambassador included most of the well-known and outworn Communist techniques with which we are all so familiar—throwing up a smokescreen of false accusations.

Moreover, it is symbolic of a basic Communist technique; namely, to slander a foreign people on the ground of allegedly defending oneself against foreign attack.

For years, the Soviet Union has been piously moaning self-defense claiming that she is being "encircled by capitalist enemies"; whereas, actually, it is the Soviet bear which has attempted to throw its brutal paws and vicious claws around the body of the free world.

Now, why do I pay particular attention to the false charges by the Guatemalan Ambassador to Mexico?

It is because the penetration of the diplomatic service of the Guatemalan Government, or any government, is obviously a key objective of international communism.

Such penetration permits the poisoning of international channels, rather than simply domestic channels. I point out that the absurd attacks made by the Guatemalan Ambassador to Mexico were, of course, not made elsewhere by Guatemalan diplomats who are not pro-Communist. I must assume, therefore, that Senor Alvarado Fuentes is acting upon his own—which means he is acting under Communist discipline and control—discipline and control which are made easier by the presence of the intriguing Soviet Embassy in Mexico City.

I know that every one of our sister republics of this hemisphere must be alarmed, as I am, at the penetration by Communist agents of a diplomatic service of any of the Republics of this hemisphere.

THE PROVED RECORD OF AMBASSADOR ALVARADO FUENTES

I should like to point out that Ambassador Alvarado Fuentes has long been and still is a devoted fellow traveler.

He has proved himself to be a willing and effective tool of the international Soviet conspiracy.

He has lent his name and presence to almost every pro-Communist activity in Guatemala. He follows closely the Moscow line in his constant attacks against the United States. He has sponsored various so-called peace appeals and congresses, including the Stockholm Peace Appeal and Partisan Peace Committee—prime channels of the international conspiracy.

In October of 1951, when he was a deputy to the National Congress of Guatemala, he obtained leave from the Congress for the purpose of attending the Communist-run World Peace Congress in Vienna.

I challenge Ambassador Alvarado Fuentes to refute these facts. I challenge his Government to attempt to do so.

Ordinarily, Mr. President, I would be loath to name a particular individual in the course of comments such as this. I have never believed in referring to personalities as such, and I mention the name of this particular individual now only as a symbol of the dangerous problem which exists.

ATTACK AGAINST FREEDOM OF PRESS

Now, Mr. President, there is one additional aspect of the alarming Communist situation in Guatemala to which I should like to refer. In the past few days the Guatemalan Communists have dropped their masks further and have conducted a direct, premeditated attack against some of the remaining vestiges of the free press and radio there—against reporters of both Guatemalan and foreign nationality.

It is inevitable, of course, that the Communists regard a free and courageous press as Moscow's mortal enemy.

I point out the fact, therefore, that the correspondent of the New York Times has been forced to leave the country. I point out that the correspondent of NBC radio, who is also a correspondent for various newspapers and magazines, has been expelled from the country.

This is the latest sickening demonstration of the Communist octopus at work.

It is the latest danger signal to the free world that the situation in Guatemala is fast deteriorating. It is another notice to the people of that unhappy country that the last of their liberties are endangered.

We may well ask:

What is the Guatemalan Government afraid of in taking this arbitrary action of expelling these journalists? Why does it fear their reporting the facts as they see them? If the Government has nothing to hide, why does it abridge freedom of the press? If it does not plot an absolute Red dictatorship, why does it fear exposure of communism?

What the Guatemalan Government apparently wants is an uninformed, censored international press, a press similar to those newspaper organs in its own country which it now controls. Those Government mouthpieces are full of the usual Communist propaganda and lies, including, incidentally, propaganda and lies against the chairman of the Senate Foreign Relations Committee for my having told the truth about communism.

Those servile, lie-filled organs stand in marked contrast to the remaining free Guatemalan newspapers and radio voices which have so courageously brought the facts—the stark facts—of communism to the attention of their readers and listeners.

GUATEMALAN PEOPLE LOVE LIBERTY

And what of the Guatemalan people themselves?

I do not have the slightest doubt that an overwhelming proportion of the people of Guatemala are aroused against the foul Moscow-directed activities of the Guatemalan Communists.

I do not have the slightest doubt that the hopes and prayers of the devout people of Guatemala are directed toward that day when the atheistic Communist yoke will have been severed; when the Soviet intervention in Guatemala's affairs will have been defeated.

I conclude by conveying my deepest personal greetings to the liberty-loving

people of Guatemala. I greet those of their freedom-loving leaders at home or in exile in whom the flame of liberty still burns brightly. I know that I am joined by the people of my country as a whole and men of good will throughout this hemisphere.

Mr. President, the sands are apparently running out in the hourglass of freedom of Guatemala. God grant that they may not run out completely. God grant that this country not become a Soviet Republic in this hemisphere.

I pray that, in the interest of the hemisphere, in the interest of my own Nation, in the interest of freedom everywhere.

Mr. President, I thank the Senator from New York [Mr. LEHMAN].

AMENDMENT TO THE CONSTITUTION RELATING TO TREATIES AND EXECUTIVE AGREEMENTS

The Senate resumed the consideration of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements.

Mr. GORE and Mr. FERGUSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York [Mr. LEHMAN] yield; and if so, to whom?

Mr. LEHMAN. I shall be very glad to yield to Senators provided I do not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Michigan may proceed.

Mr. FERGUSON. Mr. President, I intended to make some remarks which I think should be in the RECORD. I have talked with the Senator from Wisconsin [Mr. WILEY], asking him if he thought it would be a good idea to have a subcommittee of the Committee on Foreign Relations having to do with treaties and executive agreements, in connection with which there would be a member of the staff representing the majority and a member of the staff representing the minority, make a study which would enable the subcommittee first, to point out to the committee, and then to the Senate, what treaties affect internal laws. This proposed subcommittee could also get in touch with the attorneys general of the States. In that way the Senate would be given a better idea as to all treaties and executive agreements coming before it. The law now requires the printing of executive agreements.

Has the Senator from Wisconsin given that matter consideration?

Mr. WILEY. Mr. President, the distinguished Senator from Michigan spoke to me casually on the floor with reference to the matter, but I have not had time to give it further consideration. I see no real objection to it, except that treaties are supposed to be thoroughly studied by the Foreign Relations Committee. We have been going over a large group to ascertain into what categories the various agreements fall. I am sure the matter can be taken up by the Foreign Relations Committee, and if a subcommittee should be constituted, I see no reason whatsoever why one member of the staff for the majority and one member of the staff for the minority cannot go over it in conjunction with the State Department. It would only formalize what the committee has been doing up to this time.

Mr. FERGUSON. I think such information, printed in the RECORD, would perhaps give a better idea of what the Senators were to vote upon.

Mr. WILEY. I see no objection whatever to the procedure suggested. Of course, an examination of a treaty itself would throw light upon its effects. However, if the objective of the subcommittee is to study treaties to see particularly how they might affect internal matters, I think it might prove very helpful.

Mr. COOPER. Mr. President, earlier in the afternoon, when the distinguished Senator from Michigan [Mr. FERGUSON], was speaking on the amendment which he had offered, I said then that I wanted to ask him a few questions, at the close of his speech. He told me he would be glad to answer the questions.

I should like first to repeat what I said a little while ago, when the Senator from Michigan was speaking, I am aware of the great amount of work he has devoted to the preparation of the amendments offered by him. He knows the regard I hold for his knowledge of constitutional law. I had the pleasure of serving with him for 2 years on the Committee on the Judiciary. I ask a few questions for information and, I hope, for the benefit of the Members of the Senate. The Senator's amendment was offered only a few days ago, and until today we have not had an opportunity to know the Senator's views as to its purpose. There are several constructions or interpretations which I think might be placed upon the amendment.

When the Senator began his discussion, I understood him to say there was no doubt in his mind that a treaty could not invade or violate the Constitution or the individual rights of the people of the United States as assured by the Bill of Rights. Later on it appeared that the Senator was offering his amendment for the purpose of preventing such an invasion, and that, it occurred to me was an inconsistent position. I should like to hear the Senator's views upon that point.

Mr. FERGUSON. I do not take that position. But, as we read the cases decided by the Supreme Court we find that they become interpretative of the Constitution. The court has never actually ruled that a treaty can be unconstitutional. It has made statements to that effect, but never has it actually ruled on the subject. Therefore, all its statements in that connection are dicta.

There is a feeling in the State Department that treaties are political. I admit they are political when they do not involve internal laws. As to international relations, they are political.

When the President of the United States, under his right to receive an ambassador, recognizes a nation by receiving its ambassador, he acts in a political way. When he undertakes by treaty to make internal law—and the courts say that a treaty becomes the supreme law of the land—I do not think he is acting in a political way. It has not been construed in the past that such a treaty can be determined to be unconstitutional.

Mr. COOPER. The Senator will agree, however, that the Supreme Court has said in a long line of decisions that it is the Court's opinion that a treaty cannot be construed or interpreted to be superior to the Constitution or the Bill of Rights and that it cannot change the structure of the Federal Government or of State governments.

Mr. FERGUSON. I know the Court has said that, but nowhere has it been anything other than dicta. When the Court had an opportunity to pass upon the question, as it did in the Holland case, it said, in effect, that when a treaty was ratified the Congress had the right to legislate under it.

That has been interpreted to mean that the Constitution can be amended by a treaty and, therefore, after a treaty has been made Congress is permitted to act, whereas, before the treaty was made, Congress was not authorized to act.

Mr. COOPER. I know that is the contention of the supporters of Senate Joint Resolution 1, a contention which I think is unsound. I should like to ask the Senator's interpretation of the amendment he has proposed. The Senator proposes as an amendment to article VI, clause 2, this provision:

> Notwithstanding the foregoing provisions of this clause, no treaty made after the establishment of this Constitution shall be the supreme law of the land unless made in pursuance of this Constitution.

If the Senator will read that clause as a whole, assuming his amendment should be adopted, it would read as follows:

> All treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land.

The amendment of the Senator from Michigan, as I have said, provides:

> Notwithstanding the foregoing provisions of this clause, no treaty made after the establishment of this Constitution shall be the supreme law of the land unless made in pursuance of this Constitution.

Mr. FERGUSON. The Senator is correct.

Mr. COOPER. It must follow that the amendment is intended to change the present constitutional concept of a treaty. What is the change? Do the words "in pursuance of this Constitution" mean a change in the interpretation of the Constitution which the supporters of Senate Joint Resolution 1 envisage, a Constitution that would not allow treaties to be superior to State laws, or does it mean the Constitution which the opponents of the Bricker resolution believe is the Constitution?

Mr. FERGUSON. I stated in my remarks on the floor that I do not believe the amendment changes the idea that the States have no power to ratify a treaty. I believe the States have no such power. This amendment would not give them the power to ratify a treaty. The amendment would make clear to the Supreme Court that in its interpretations of treaties and their relation to internal law, the Supreme Court shall apply the rule that treaties shall not be in conflict—the word "conflict" is used

in the first section—with but in pursuance of the Constitution, that they shall not change the form of government, and that they shall not take away the inalienable rights, as set forth in the Constitution.

I believe the Senator from Kentucky will agree that that is what has always been thought to be the law.

Mr. COOPER. I certainly agree with the Senator. If I thought the treaty-making power under the Constitution today could invade the Constitution and set aside the Constitution or the Bill of Rights, I certainly would be in favor of Senate Joint Resolution 1 or something similar. But I do not believe the Senator from Michigan has answered the question I have asked.

The amendment offered by the Senator from Michigan reads:

> Notwithstanding the foregoing provisions of this clause, no treaty made after the establishment of this Constitution shall be the supreme law of the land unless made in pursuance of this Constitution.

Suppose that provision were adopted and became a part of article VI, clause 2, of the Constitution and that afterward a case was presented to the courts similar to the case of Missouri against Holland. Would the Senator from Michigan say that if his amendment were adopted, the decision of Missouri against Holland would be possible?

Mr. FERGUSON. As I said in my argument before the Senate, one of the statements of Mr. Justice Holmes in the case of Missouri against Holland was that the language in relation to the statutory laws was "in pursuance thereof"—that is of the Constitution—whereas in relation to treaties it was "under the authority thereof." That clause would be changed, because both statute law and treaties would have to be "in pursuance of," but it would not change the principle the "which" clause would have changed. The "which" clause would have said the law could not be originally constitutional, and the making of a treaty could not make it constitutional. That is the "which" clause. I am not purporting to include the "which" clause.

Mr. COOPER. I understand, but if the amendment of the Senator from Michigan should be adopted, and a treaty should be entered into which would be perfectly within the scope of international treaties, but yet would affect matters which are reserved traditionally to the States but for the treaty power, would it then be necessary for the States to enact legislation to carry into effect such a treaty?

Mr. FERGUSON. Not unless the treaty itself so provided. The Senator from Kentucky was not present when I concluded my earlier remarks. I wish to make it clear that I did not include in my amendment, nor is it the purpose of my amendment to apply the 9th and 10th amendments to the Constitution to the treatymaking power. In other words, the proposed amendment does not say, "except as are found in the Constitution." The rights that were given to Congress exclusively, prohibited to the President, or prohibited to either the Congress or the President, or those which do not specify as to whom they were prohibited, cannot be violated by a treaty, because then the treaty would be in conflict with—"conflict" being the word used in the first section—and would not be in pursuance of the Constitution, but might take away a republican form of government or some other right expressly provided for in the Constitution.

Mr. COOPER. The section the Senator from Michigan proposes, it seems to me, complicates the problem, because section 1 of Senate Joint Resolution 1, as I understand, would make invalid any treaty entered into in violation of the Constitution.

If that is the purpose of section 1, then why is it necessary to adopt this amendment? What is the purpose of the section which proposes to amend article VI of the Constitution?

Mr. FERGUSON. Section 1 refers only to a conflict with the Constitution. Article VI has been interpreted as authorizing a treaty made under the authority of the United States, which, as Justice Holmes indicates in Holland against Missouri, merely meant that it had to be proposed by the President and ratified by two-thirds of the Senators present and voting. In other words, if a treaty so made were ratified, it became the supreme law of the land.

Then I read from another decision, Fong Yue Ting against United States, which clearly indicated that the old finding of the Court which said a treaty had to be in conformity with the Constitution, would not apply unless it was a treaty that was cognizable by the courts.

Mr. COOPER. Does the Senator intend, then, by his amendment, to article VI, to prevent a treaty, which does affect in some way a State or a local law, from becoming the supreme law of the land, and being superior to a State constitution or State laws, as is now held by the Supreme Court? Is that the purpose of the amendment?

Mr. FERGUSON. No, not unless it is in conflict with the Federal Constitution.

Mr. COOPER. But that is the Constitution, and the holding of the courts today.

Mr. FERGUSON. I said it did not apply to the ninth and tenth amendments, because I think there the powers reserved to the States and the people were the powers not able to be seen by the people at that time. I do not know what they were. The Senator from Ohio [Mr. BRICKER] asked me what they were. I think he agreed that they are such powers as were not prohibited in the Constitution, but which the people wanted to reserve; that if there were any God-given rights which had not been expressed in the Constitution, the people were reserving them to themselves.

Mr. COOPER. I do not wish to labor the point, but I go back to the proposition that the Senator would not offer the proposed amendment to article VI unless it was intended to change in some way constitutional concept of the power and position of a treaty as it is interpreted today. There would not be any other reason. The question is, Is it intended for the purpose of establishing by judicial interpretation that a treaty entered into properly by the President and the Senate, which might in some way affect State or local law, would not be valid, after the amendment proposed by the Senator from Michigan was adopted, except through implementing legislation by the States?

Mr. FERGUSON. That is not the purpose of the amendment. It is not to take the place of, and it specifically strikes out the "which" clause.

Mr. COOPER. I thank the Senator from Michigan.

Mr. WILEY. Mr. President, will the Senator from New York yield for a question?

Mr. LEHMAN. Yes, but very briefly.

Mr. WILEY. I wish to ask the Senator from Michigan, after the illuminating discussion between two constitutional lawyers, whether this is the position he takes:

> The treaty is therefore a law made by the proper authority, and the courts of justice have no right to annul or disregard any of its provisions, unless they violate the Constitution of the United States.

Mr. FERGUSON. From what is the Senator from Wisconsin reading?

Mr. WILEY. I am reading from the decision of the Supreme Court of the United States in Doe against Braden.

Mr. FERGUSON. Will the Senator from Wisconsin kindly read that provision again?

Mr. WILEY. The provision is as follows:

> The treaty is therefore a law made by the proper authority, and the courts of justice have no right to annul or disregard any of its provisions, unless they violate the Constitution of the United States.

Does the Senator from Michigan stand by that principle?

Mr. FERGUSON. That is only dictum, and I would say we are proposing to make it the law of the land. It is the same as saying it is not in conflict, and it is in pursuance of. If it is not in pursuance of, and is in conflict, then it would not be a valid treaty.

That is dictum, and we are trying to make that the law, as I have interpreted the language "not in conflict with and in pursuance of."

Mr. WILEY. Would not a simple recitation to that effect be the best way to clarify the matter?

Mr. FERGUSON. We could not have made it any simpler than it is stated in the amendment submitted by us.

Mr. WILEY. I should like to ask one other question. In that same decision the court said:

> It would be impossible for the executive department of the Government to conduct our foreign relations with any advantage to the country, and fulfill the duties which the Constitution has imposed upon it, if every court in the country was authorized to inquire and decide whether the person who ratified the treaty on behalf of a foreign nation had the power, by its constitution and laws, to make the engagements into which he entered.

Does the Senator think that is good constitutional law?

Mr. FERGUSON. Yes, I do. I do not think one should have to find out whether Litvinov was the proper foreign officer in charge and therefore, under

Russia's law, had the right to negotiate the treaty, because later the proposed treaty is advised and consented to by the Senate, the President affixes his signature, and it becomes a treaty. The same process would apply in the foreign country. I do not think we should inquire into the question whether or not a proper officer in the office of the Secretary of State negotiated the treaty, or whether the proper officer in the foreign office of another land negotiated the treaty.

Mr. WILEY. Does the Senator agree that the Congress and the President, like the courts, possess only such power as is derived from the Constitution?

Mr. FERGUSON. Yes.

Mr. WILEY. Then the Senator does not agree with the other theory ennunciated in the Curtiss-Wright case, that before the Constitution existed there were certain powers that belonged to the Government, irrespective of the Constitution.

Mr. FERGUSON. No; I do not believe that there are such implied powers as were asserted in the steel seizure case. I think one has to read the Constitution to find what powers are granted. Powers are derived from the Constitution.

Mr. WILEY. I thank the Senator.

Mr. BUSH. Mr. President, will the Senator from New York yield for a question?

Mr. LEHMAN. I yield, with the understanding that I do not lose the floor.

Mr. BUSH. Section 2 of the proposed amendment, which ends with the words, "in pursuance of the Constitution," is thought by some of our colleagues to be the "which" clause in sheep's clothing, so to speak. Does the Senator subscribe to that statement?

Mr. FERGUSON. I state that the clause is naked, and that there is no clothing on it to conceal it. It is not the "which" clause. I have said that all along.

Mr. BUSH. I thank the Senator.

Mr. GORE. Mr. President, will the Senator from New York yield, without losing his right to the floor, in order that I may suggest the absence of a quorum?

Mr. LEHMAN. I am very glad to yield for that purpose.

Mr. GORE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded, and that further proceedings under the call be dispensed with.

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

Mr. LEHMAN. Mr. President, I rise to speak upon the pending question of a proposed amendment to the Constitution to plug up alleged and, in my opinion, largely imaginary loopholes in our basic charter of law.

Before going into a detailed discussion of this subject, Mr. President, let me recall what all of us know; namely, that our Constitution has been in effect 165 years, and that during that long period it has been amended on only 13 separate occasions. In only one instance was a constitutional amendment which had been approved ever repealed. That was the prohibition amendment, which had been enacted in haste and under the pressure of propaganda, and was repealed only after a debate which deeply divided the country and detracted the attention of the public from much more vital and basic issues of the time.

Mr. President, our Constitution has now worked well for 165 years, and has been an effective document for the protection of the freedoms and liberties of the American people. There have been very few instances where there has been any occasion for the people or for any States to claim that their rights have been abridged by reason of the treaty-making power of the United States. That record is a rather good one, Mr. President.

So, Mr. President, I warn the Senate against hastily approving, on an emotional basis, anything so fundamental as an amendment to the Constitution of the United States. Once approved and ratified, should it later develop to have been an unwise undertaking, it would be a difficult thing to undo. Let us consider carefully and soberly what it is proposed that we do. I hope we do not do it; in fact, I am very confident we will not do it.

Mr. President, I am convinced that the supremacy of the Constitution over treaties and executive agreements, if necessary to be reaffirmed at all, and their relationship to internal law, should be reaffirmed and clarified at this time by joint resolution, rather than by amending the Constitution.

If there were, in fact, any substantial question as to the supremacy of the Constitution, a constitutional amendment would be not only appropriate but imperative. But in a situation like the one actually before us, where there is no sound ground for doubting the supremacy of the Constitution, an amendment of the Constitution would create more confusion and uncertainty than it could conceivably remove.

In actual practice, we know from our recent experience that the Congress has not been indifferent to the consequences of Supreme Court decisions. Within the past decade the effects of Supreme Court decisions have been remedied on at least four occasions. Congress provided for State regulation of the insurance business, after the Supreme Court had held it subject to the Federal antitrust laws; the claims for portal-to-portal pay were extinguished by act of Congress in 1947; the State fair-trade laws have been revived; and unilaterial determinations in the executive branch are no longer binding upon businessmen having contracts with the Government.

The congressional power to enact legislation superseding a treaty as internal law has been clearly established by the Supreme Court. An act of Congress having this effect, like any other act of Congress, must be in pursuance of the Constitution, and therefore subordinate thereto. It strikes me as wholly illogical to claim that a treaty might stand above the Constitution, when we know that, as internal law, a treaty can be overridden by legislation which must be subject to the Constitution. If a treaty can stand no better than an act of Congress, to my way of thinking it follows that a treaty must be subject to the Constitution in the same degree as an act of Congress.

The decisions of the Supreme Court afford no basis for any claim or fear that treaties may override the Constitution. In fact, the statements on this subject in the Supreme Court's opinions are definitely in accord with our traditional concept of constitutional supremacy. For instance, I find the following in an opinion of the Supreme Court, written in 1870:

> It need hardly be said that a treaty cannot change the Constitution or be held valid if it be in violation of that instrument.

Why did this "need hardly be said"? Obviously because the Supreme Court felt there was no real question about it. I feel exactly the same way.

Mr. President, there appeared in today's issue of the Washington Post an excellent article by the very able and distinguished columnist, Walter Lippmann, in which he clearly points out the impossibility of reaching an agreement regarding the meaning of the various compromise proposals on the Bricker amendment which have been put forward. He also states there is no question regarding the supremacy of the Constitution to any treaty.

At this time I should like to read excerpts from the article:

> There is no emergency of any kind which requires or could justify an immediate and unconsidered amendment to the Constitution. The world we live in is, heaven only knows, full of peril. But there is no part of that peril which could be lessened or averted by amending the Constitution in a hurry.
>
> For no amendment is needed to establish the undisputed rule that the Constitution is superior to any treaty. And no amendment that could be devised by the wit of man can guarantee, or even make it more certain, that the President will never make a serious mistake in the conduct of foreign relations.
>
> I have a letter from Mr. Lucius Wilmerding, a close student of the origins of American institutions, in which he points out that Senator BRICKER's fear, which has frightened so many, was raised and disposed of long ago in the debate on the Jay Treaty with Great Britain. In 1796, Representative Brent argued, as does Senator BRICKER now, that "treaties may change the fundamental principles of our Government; then the President and Senate, by entering into stipulations with a foreign government, may give us a monarchy, may convert our President into a king, and our Senate into a nobility."
>
> On this point Mr. Wilmerding writes "that the Constitution is paramount to both laws and treaties was admitted in 1796 by both political parties. Gallatin asserted the proposition in terms; so did Madison and Jefferson. The Federalists were in perfect agreement. Representative Murray conceded that, if the treaty with Great Britain were unconstitutional, 'it would not be the law of the land.' So, among others, did Representatives Tracy, Buck, William Smith, Nathaniel Smith, Coit, Hillhouse, and Harper. Alexander Hamilton refuted Senator BRICKER as completely as did Gallatin. Asserting the general proposition that whatever is a proper subject of compact between nation and nation may be embraced by a

treaty between the United States and a foreign power, he continued: 'The only constitutional exception to the power of making treaties is, that it shall not change the Constitution.'"

Mr. President, please note the words "that it shall not change the Constitution."

I read further from the article by Mr. Lippmann:

It has been said that there cannot be any harm in an amendment which spells out the paramountcy of the Constitution over treaties, and that to do this would quiet many popular fears. The answer to this is that if we start amending the Constitution to allay unjustified popular fears, we shall have begun to treat the Constitution not as the charter of the Government but as a kind of billboard on which to paint political slogans.

Mr. Lippmann closes his article with these words:

The fears that have been aroused must be heard, examined, answered. But there is no need to debase the Constitution because it is tiresome or politically dangerous to debate the issues fully and to show the people how and why they have been misled.

Mr. President, I ask unanimous consent that the entire article be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. POTTER in the chair). Is there objection?

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

TODAY AND TOMORROW

(By Walter Lippmann)

FORTUNATE COLLAPSE

The collapse of the negotiations for a revised Bricker amendment has probably saved the Senate from an act of irresponsibility that it would be hard to live down. For what the negotiators were trying to do was to have the Senate agree to a proposed amendment to the Constitution without giving the country the time and the opportunity to study the new amendment. A new text hurriedly and secretly concocted was to be put through the Senate without hearings, without public discussion, and without serious deliberation.

In its various versions the Bricker amendment has been before Congress since 1952. It has been the subject of extensive hearings by subcommittees of the Judiciary Committee during two sessions of Congress. It has been under intensive scrutiny and debate in which lawyers and constitutional authorities have been heard. Put to the test of this prolonged and searching public debate, the Bricker amendment has been rejected by responsible opinion in the Senate and in the country, and its essential principle is now abandoned. On what ground, then, did the negotiators suppose that they could improvise a different amendment to the Constitution which could be, which ought to be, accepted without serious scrutiny and merely because they had agreed on it?

The proposal of Senator GEORGE, Democrat, of Georgia, or a Knowland-Ferguson-George proposal, might or might not have been an acceptable or a desirable amendment. The immediate point is that nobody now knows what to think. For the time being no one, not even Mr. GEORGE or Mr. KNOWLAND, can in fact really say he knows what any of these proposals mean.

Senator GEORGE, for example, is surely one of the leading constitutional lawyers in the Senate. But for how long, and how intensively, has Senator GEORGE studied his own proposed amendment? How many men of equal competence and authority have been consulted? There cannot have been many. For the text of the new proposal has been published only for a few weeks. There have been no hearings, there has been virtually no expert discussion of it. There is available for the guidance of Congress and of the public almost nothing that is more than off-the-cuff comment.

In my own scanty inquiries among men whose views would surely count, I have found some who thought the George amendment would hobble the President dangerously; I have found also, believe it or not, others who think it would in fact enlarge the President's power.

The one thing that is quite clear is that the only constitutional amendment on which the Senate can with propriety vote at this time is Senator BRICKER'S. His amendment is a dangerous proposal but it has at least been subjected to the process through which proposals to amend the Constitution are meant to pass. None of the compromise or substitute proposals has been subjected to this process. They may be good, bad, or indifferent. But one and all they are unwashed, unpeeled, uncooked, and not yet fit to be eaten by the Senate of the United States.

If the Senate were unanimously in favor of any one of them, it would still be grossly improper for the Senate to vote now to propose such an amendment. To vote now without hearings and without serious debate would be to reduce the grave business of amending the Constitution to the level of a political deal. There is only one proper course for the Senate. If it rejects the Bricker proposal, it must send any other proposal back to the committee for hearing and for study.

There is no emergency of any kind which requires or could justify an immediate and unconsidered amendment to the Constitution. The world we live in is, heaven only knows, full of peril. But there is no part of that peril which could be lessened or averted by amending the Constitution in a hurry.

For no amendment is needed to establish the undisputed rule that the Constitution is superior to any treaty. And no amendment that could be devised by the wit of man can guarantee, or even make it more certain, that the President will never make a serious mistake in the conduct of foreign relations.

I have a letter from Mr. Lucius Wilmerding, a close student of the origins of American institutions, in which he points out that Senator BRICKER'S fear, which has frightened so many, was raised and disposed of long ago in the debate on the Jay Treaty with Great Britain. In 1796 Representative Brent argued, as does Senator BRICKER now, that "treaties may change the fundamental principles of our Government; then the President and Senate, by entering into stipulations with a foreign government, may give us a monarchy, may convert our President into a king and our Senate into a nobility."

On this point, Mr. Wilmerding writes, "That the Constitution is paramount to both laws and treaties was admitted in 1796 by both political parties. Gallatin asserted the proposition in terms; so did Madison and Jefferson. The Federalists were in perfect agreement. Representative Murray conceded that, if the treaty with Great Britain were unconstitutional, 'it would not be the law of the land.' So, among others, did Representatives Tracy, Buck, William Smith, Nathaniel Smith, Coit, Hillhouse, and Harper. Alexander Hamilton refuted Senator BRICKER as completely as did Gallatin. Asserting the general proposition that whatever is a proper subject of compact between nation and nation may be embraced by a treaty between the United States and a foreign power, he continued: 'The only constitutional exception to the power of making treaties is, that it shall not change the Constitution.'"

It has been said that there cannot be any harm in an amendment which spells out the paramountcy of the Constitution over treaties, and that to do this would quiet many popular fears. The answer to this is that if we start amending the Constitution to allay unjustified popular fears, we shall have begun to treat the Constitution not as the charter of the Government but as a kind of billboard on which to paint political slogans.

The fears that have been aroused must be heard, examined, answered. But there is no need to debase the Constitution because it is tiresome or politically dangerous to debate the issues fully and to show the people how and why they have been misled.

Mr. LEHMAN. Mr. President, I am no constitutional lawyer—in fact I am no lawyer at all. The court decisions and arguments to which I have referred have been furnished me by constitutional authorities and I draw them to the attention of the Senate and the public for their further consideration. But as a layman, I cannot see that any new or startling doctrine was promulgated by the migratory bird decision of 1920, the now famous case of Missouri against Holland.

Mr. Justice Oliver Wendell Holmes, writing the opinion in the migratory bird case, went out of his way to forestall any disquieting inference of a revolutionary change in our constitutional law. He said:

We do not mean to imply that there are no qualifications to the treatymaking power.

The migratory bird decision sustained a Federal law implementing a treaty even though the law dealt with a subject which would have been within the exclusive control of the States if a treaty had not been involved. This means simply that the treaty power is supreme over State law, as the Constitution says it is, in any matter which is an appropriate subject for a treaty; and this supreme power is plenary, sufficient to do the full job required of a treaty.

There appeared in the New York Times this morning a very interesting, illuminating, and educational article, in the form of a letter to the editor of the New York Times from the distinguished lawyer, Mr. Arthur H. Dean, Special Ambassador to Korea. The letter appears under the heading "Interpreting Amendments." It reads as follows:

INTERPRETING AMENDMENTS—MIGRATORY BIRD RULING DISCUSSED IN RELATION TO BRICKER PROPOSAL

To the EDITOR OF THE NEW YORK TIMES:

In the last few days there have been increasingly frequent references by the proponents of the Bricker amendment and in commentaries on the constitutional debate which it has precipitated to the 1920 decision of the Supreme Court in the case of *Missouri* v. *Holland*. This decision, so it is asserted, established that a treaty could override the 10th amendment to the Constitution.

If this assertion is correct the provision included not only in Senator BRICKER'S original amendment, but also in the compromises proposed by Senators KNOWLAND, GEORGE, and MCCARRAN, respectively—that a treaty provision which conflicts with the Constitution will not be of any force or effect—will not be a mere restatement of existing law but may in fact inadvertently reintroduce by the back door the controversial "which" clause of the Bricker amendment.

The facts in *Missouri* v. *Holland* were that after two lower Federal courts had held a Federal statute regulating the shooting of migratory birds to be unconstitutional on the ground that such regulation of wild life was not within the specifically enumerated powers delegated to Congress, the United States and the United Kingdom (acting for Canada) entered into a treaty providing for reciprocal legislation establishing specified closed seasons for migratory birds. When Holland, a United States game warden, sought to enforce the implementing statute, Missouri sued to enjoin him from doing so on the ground that the act was an unconstitutional interference with rights reserved to the States by the 10th amendment, which provides that:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people."

TREATY POWER

Mr. Justice Holmes, but not speaking for a unanimous Court, upheld the constitutionality of the treaty and statute on the basis that the treaty was within the treatymaking power specifically delegated to the Federal Government by the Constitution, and that the implementing Congressional statute was necessary and proper to execute an expressly delegated Federal power, and hence within Congress' power under the "necessary and proper" clause which authorizes Congress:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers (the enumerated powers of Congress), and all other powers vested by this Constitution in the Government of the United States or in any Department or officer thereof."

No question of the statute overriding or conflicting with the tenth amendment was involved: The 10th amendment by its express terms reserves to the States or the people only those powers not delegated to the United States or prohibited to the States. The treaty power and the necessary and proper power were both expressly granted to the United States and the treaty power was expressly prohibited to the States by the framers of the Constitution and by the States themselves in ratifying the Constitution. Hence, these two powers are not among the powers reserved to the States by the 10th amendment.

With respect to the real as opposed to the fancied constitutional limits on the treaty power, Justice Holmes found that the migratory-bird treaty did not contravene any constitutional prohibitions and that the treaty dealt with a matter which can be protected only by national action in concert with that of another power.

FUTURE POSSIBILITIES

If in some future case the Supreme Court were to be convinced that today's amenders viewed Missouri against Holland as a case in which a treaty and treaty-implementing congressional legislation were given effect despite the fact that they conflicted with the 10th amendment, the proposed provision that a treaty conflicting with the Constitution shall not be of any force might very well be taken as intended to reverse Missouri against Holland and to establish the 10th amendment as a limitation on the treaty power and Congress' treaty-implementing power. If this came to pass, Congress' power to enforce treaties would then be restricted to the legislative powers of Congress in the absence of a treaty.

This would mean that in areas not falling within these powers of Congress it would be necessary for the State legislatures to implement a treaty. This is exactly the effect that the so-called "which" clause of section 2 of the Bricker amendment avowedly seeks and the compromises seek to avoid. Hence, any compromise amendment purposely omitting the "which" clause, yet declaring a treaty conflicting with the Constitution null and void, should provide that it is not intended to limit the treaty power or Congress' power to implement a treaty under the necessary and proper clause, to Congress' powers in the absence of a treaty, or, at the very minimum, carry with it a clear statement to this effect by its sponsors on the floor of the Senate.

The easiest and surest way of avoiding subsequent judicial misinterpretation of an amendment merely designed to declare and restate existing law is to refrain from making any amendment at all. Otherwise there is always the danger that a court will strive to give some other meaning and effect to the amendment.

ARTHUR H. DEAN.

NEW YORK, *February 2, 1954.*

Mr. President, I see nothing revolutionary in the doctrine which has been described.

A really revolutionary decision would have gone in the opposite direction and undermined the treaty power in disregard of precedent dating back to 1796, when the treaty ending the War of Independence was enforced against contrary State legislation.

The 1796 decision was dictated by the language of the supremacy clause of the Constitution, which was framed expressly to permit treaties made prior to 1788, prior to the effectuation of the Constitution to override State laws.

This effect could not have been given to treaties negotiated before 1788 if the supremacy clause had provided that treaties, like ordinary Federal legislation, must be "in pursuance" of the Constitution. There was no Constitution before 1788. Thus the supremacy clause refers simply to treaties "made or which shall be made, under the authority of the United States." Of course all treaties entered into subsequent to the adoption of the Constitution were made pursuant to the Constitution, and subject to it.

In view of this historical background, and the substantial practical reason for the precise wording of the supremacy clause, I can see no basis for any inference that the Constitution would permit its safeguards to be nullified by means of a treaty.

We have the word of James Madison, the father of the Constitution himself, that treaties are subordinate to the Constitution. At the Virginia Convention he met Patrick Henry's argument that treaties would be, as the supreme law, paramount to the Constitution, by saying that "the supremacy clause made treaties paramount only to the laws and constitutions of the States."

We also have the word of an overwhelming majority of the leading modern experts in the fields of constitutional law, American history, and international relations.

LAW-SCHOOL DEANS OPPOSE TREATY AMENDMENT

Last summer the distinguished senior Senator from Wisconsin [Mr. WILEY] solicited the views of law-school deans and professors of constitutional law in all parts of the country on the need for a constitutional amendment on the treaty power, and the almost unanimous reply was—and I think I am quoting the distinguished Senator from Wisconsin accurately—that no such amendment was necessary even to declare the supremacy of the Constitution over treaties.

Amending our Constitution, Mr. President, is a serious business. On only 13 occasions in our entire history has this important step been taken. We should, therefore, hesitate to propose a constitutional amendment which appears to be merely a restatement of the existing law. President Eisenhower told a press conference last spring that it would seem anomalous to amend the Constitution simply to show that it is going to be the same as it always has been. But I wonder whether such an amendment might turn out to involve something more serious than an innocuous anomaly.

A basic principle which the courts apply in interpreting a statute is that the statute in question is presumed to have a substantial purpose; in other words, that the legislators did not enact it just for exercise.

This presumption is much stronger in the case of a constitutional amendment, which requires a two-thirds vote in each House of the Congress and ratification by three-fourths of all the State legislatures.

Can it be taken for granted, Mr. President, that a future Supreme Court would hold that the long, complicated task of amending the Constitution had been undertaken by Congress merely to repeat what was already the law; or might not the Court be ingenious in finding that in some way or other—unbeknownst to those of us who are now deliberating upon it—the proposed amendment did, in fact, change the present meaning of the Constitution?

In this connection it is interesting to recall some of the things that were said last August by the senior Senator from Ohio in commenting upon a substitute measure proposed by the distinguished senior Senator from California. This measure would have amended the Constitution along substantially the same lines as those which I have been discussing thus far. The Senator from Ohio said of this substitute measure:

The court must give it some meaning.

And he also said:

It would be a vain and utterly ridiculous thing to repeat in a constitutional amendment that which is already in the Constitution.

Senator BRICKER further referred to the Knowland proposal as "a probably dangerous amendment to our fundamental law."

And he also characterized it as "preposterous."

In his view it was a proposal which "might shift vital foreign-affairs responsibilities to the Supreme Court."

He felt that it might cause the Supreme Court to abandon its rule against passing upon political questions.

Other persons commenting upon the same proposal have raised the possibility that the Supreme Court might find that the treaty power had actually been cut back—perhaps to the extent of outlawing the principle of the migratory bird decision and the 1796 precedent on which it was based. Thus we might find that the highly unfortunate "which" clause of Senate Joint Resolution 1 had, by a sort of reverse English, slipped into our Constitution after all.

We would do well to bear in mind that many decades might elapse before the Supreme Court would be called upon to construe such a constitutional amendment. It is now more than 80 years since the adoption of the 14th amendment; and the Supreme Court is still trying, in the school-segregation cases, to determine what force should be given to various statements in the congressional debates on that amendment in the last 1880's.

The perspective which accompanies the passage of time is not free of inaccuracy. Remoteness can produce a loss of detail. The legislative intent, which may now seem to us so sharply defined, can become blurred as the decades go by. What assurance do we have that the intent will be found to have been one of restating the law rather than changing it? Who has the power or authority, under our form of government, to make this intent so clear as to remove any doubt on this score for all time?

Moreover, the evil of such an amendment would lie not only in the possibility of an unfortunate construction by the Supreme Court, but in the mere existence of a constitutional question affecting, and therefore clogging, the treaty power.

We all know that the uncertainties of constitutional law can be a source of very great difficulty to the American businessman. But to adopt a constitutional amendment which might becloud the law on the treaty power would be to place an unnecessary handicap upon the representatives of our country in their dealings with other nations.

We cannot afford to assume any further handicap in these times when the outcome of the struggle against communism depends so largely upon how successful we are in strengthening the alliance of all freedom-loving nations and peoples. In these perilous and confusing years, if our country is to act on the world scene with any chance of success, it is a primary requisite that the authority of our representatives should be absolutely clear cut.

Finally, Mr. President, in reference to the Knowland proposal and also to section 1 of the Bricker resolution, it is unthinkable to me that our Constitution, particularly the fundamental guaranties in the Bill of Rights, could be overridden by a treaty. So far as I know, no treaty has ever been made which purported to have this effect. I find it impossible to assume that any such treaty would be agreed to in the future by a President of the United States and two-thirds of the Senate, both elected by and responsible to the American people. Even granting this unlikeliest of all contingencies, I cannot imagine that the Supreme Court, the guardian of our most sacred traditions, would permit the Constitution to be overridden in this way.

On top of all this, how can we conceive that the Congress would be so supine and helpless that it would not immediately pass a law restoring the supremacy of the Bill of Rights over any such hypothetical treaty. With a Congress as helpless as that, our situation would be hopeless anyway; and I am opposed to redesigning our Constitution, which has stood for 165 years, in order to provide for hopeless situations.

Mr. President, in reference both to section 2 of the Bricker resolution and also to section 2 of the George proposal, there is no need for a constitutional amendment limiting the President's power to make executive agreements.

In my opinion whatever advantage might be gained through such an amendment would be outweighed by the serious risk of mortal harm to our country if the executive branch should be saddled with a procedure which might cause delay and confusion in an emergency crying for swift and decisive action. I, therefore, oppose at this time a constitutional provision along the lines of any now pending before us to require congressional action before an executive agreement can have effect as internal law.

Under the Constitution as it now stands there is a wide area in which executive agreements are inferior to acts of Congress. Within this area an executive agreement will have no force if inconsistent with an act of Congress. It makes no difference whether the act of Congress was passed before or after the executive agreement was made.

In a case decided only last year a Federal court denied effect to an executive agreement which was inconsistent with a prior act of Congress. Within this wide area, then, where congressional enactments prevail over executive agreements, I regard the existing safeguards as generally adequate. If there are loopholes, they should be studied and proper remedial legislation carefully drafted in whatever form that legislation should best take. Certainly at this time I can see no need for a constitutional amendment of any kind. Mr. President, I wish to make it completely clear that I am against any constitutional amendment in any form and of any character at this time. I consider all such amendments to be dangerous, and we should not even consider them. I want no misunderstanding with regard to my stand on that subject.

CRIPPLE PRESIDENT'S POWERS AS COMMANDER IN CHIEF OF ARMED FORCES

Outside of this area, the George proposal, in my judgment, would seriously cripple the President's authority as Commander in Chief of our Armed Forces. This is a matter of vital importance in time of war.

In modern times our wars have been fought, not single-handed, but with allies. In the past 4 decades we have fought 3 coalition wars. For nearly 7 years out of the last 12, we have been engaged in coalition wars. To forestall the calamity of a third world war, we are now building the strongest possible alliance against the threat of Communist aggression.

Executive agreements can provide for a wide variety of routine matters in a military alliance. They are also a means of carrying out important decisions which demand and require swift action.

In my opinion, the constitutional amendment proposed by the distinguished senior Senator from Georgia [Mr. GEORGE] would be a tragic handicap in time of war. Suppose, for instance, the enemy made a surprise attack on Alaska and it was necessary to rush a Canadian motorized division from eastern Canada to support our troops in Alaska.

Under present law, an executive agreement could instantly open the way for this Canadian division to use our superior highway network. This, however, would affect many provisions of internal law, and under the George amendment an act of Congress would be required before agreement could be made effective.

Let me suggest a further variation of this problem. Suppose our Intelligence agencies should intercept a message indicating a possible but not certain attack upon Alaska, like the attack on Pearl Harbor, without a declaration of war. Our countermeasures in such a crisis would require not only speed but complete secrecy. How would either speed or secrecy be possible if the Constitution barred the way until the Congress could act?

These contingencies, and many more that might be cited, are by no means improbable. In fact, they are relatively simple situations. We cannot foretell what kind of complicated emergency might arise in a supersonic atomic blitzkrieg.

This is a most serious consideration, Mr. President. I believe it would be reckless of us to approve the George proposal without thorough consideration of all the implications involved. I have mentioned just those few implications which have occurred to me. I say that an amendment to our Constitution, such as the George proposal or any of the others pending before us, must be carefully examined by all the appropriate committees, including the Committee on Foreign Relations.

I am deeply troubled, Mr. President, by the prospect of a constitutional amendment evolved from a hasty political compromise. Without detracting in any way from the sincerity and diligence and patriotic intentions with which a number of Senators have worked in recent weeks to bring about a compromise of the issues raised by Senate Joint Resolution 1, I am compelled to say that in my view any such compromise would be fundamentally wrong.

We all know the valuable function of compromise in our national life. But compromise must not be reached at the expense of beclouding our Constitution and conceivably even jeopardizing our national security. If compromise is needed to preserve the unity of any party, let that compromise be at the expense of some lesser object than the Constitution of the United States, the basic charter of our liberties, the bedrock of our institutions.

Mr. President, I do not wish to appear to be against everything. I think there is a constructive alternative pending before us.

The substitute measure proposed by the senior Senator from Tennessee and cosponsored by 11 other Senators, including myself, offers, in my opinion, the most appropriate disposition of the issues which have been raised by Senate

Joint Resolution 1. The Kefauver resolution provides, first of all, for the presence of a quorum in the Senate, and a record of the yeas and nays, upon the ratification of all treaties. It applies the same safeguard to both Houses of the Congress whenever a constitutional amendment is to be submitted to the States.

This provision was originally, I am proud to say, my proposal. I introduced it on July 18 last year as a simple resolution to amend the rules. Since then it has been agreed to in principle by all groups in the Senate and in the country. It is reflected in the Knowland proposal as well as in others pending before us. In my proposal and in the Kefauver resolution, all this would be accomplished, not by cluttering up the Constitution, but by simply amending the internal rules of the Senate and the House of Representatives. As the distinguished Senator from Ohio told us last August, this is the "proper way to handle it."

But, Mr. President, this substitute measure, the Kefauver resolution, being a joint resolution and nothing more, would of course substitute for the various constitutional amendments which have been proposed. But it will serve a valuable purpose by recording clearly and unmistakably the only valid and substantial grounds upon which such amendments are alleged to be based.

Furthermore, if this substitute is adopted, no one will be able to say in future times that by rejecting the constitutional amendment pending before us, we implied that treaties may override the Constitution. Any such argument would be knocked out by this substitute measure, which solemnly affirms "that the Constitution of the United States is superior to all treaties and other international agreement." It further affirms the duty of the courts to invalidate treaties and international agreements conflicting with the Constitution; and it proclaims our constitutional attributes of national sovereignty and independence as incident to the making of treaties and other international agreements. It is because these things are so—not because they are not so—that there is no need or basis for a constitutional amendment.

The bitter dispute over the treaty power seems to me in large measure symptomatic of the tensions of the world in which we live. There is an increasing tendency, in this atomic-supersonic age, to think and talk in extremes.

Our country is now beset by vociferous minorities at opposite ends of the political spectrum. At one end are those who would subvert our freedoms and our national security in the interests of the Soviet Union. At the other end are those who in the name of national security are apparently willing to throw overboard the essence of American liberty.

In the middle of the bewildering crossfire from these two extremes, the rest of us are seriously trying to work out the safe course to both security and freedom.

The dispute over the treaty power has provided a parallel situation. To a large extent this dispute was touched off by a few ill-considered opinions of inferior courts and a few poorly reasoned law-review articles containing statements which have been described to me as being fallacious almost to the point of irresponsibility. These opinions and articles were the product of extremist thinking, bent upon a quixotic pell-mell rush into all-out world government. The fallacies of these statements, and the lack of authority for them, are obvious upon calm analysis. But at the other extreme the ostrich isolationist element in our country seized upon these statements and brandished them as hobgoblins to frighten the American people. "Wake up, America," they cried. "Get the United States of America out of the U. N. Get the U. N. out of the United States of America."

In between these extremes stand the great majority of the American people, devoted as ever to our American traditions.

The Kefauver substitute joint resolution, Mr. President, gives no ground to either extreme. It reaffirms the determination of the American people to work out their salvation within the time-tested framework of our Constitution as it stands today and as it will, I pray God, remain for ages to come.

FACTUAL INFORMATION REGARDING EMPLOYMENT OF FEDERAL PERSONNEL

Mr. KNOWLAND. Mr. President, on December 23, 1953, I addressed a letter to Mr. Philip Young, Chairman of the Civil Service Commission, in which I requested him to provide me with certain factual information regarding the employment of Federal personnel during the past 20 years. In my letter of that date I requested certain statistics.

I do not wish to take the time of the Senate to read them, but I ask unanimous consent that the statistics which I requested, and Mr. Young's letter to me of January 13, 1954, giving certain statistics and information which I requested, be printed at this point in the RECORD. I think the Senate may find the information of interest.

There being no objection, a statement of the information requested and Mr. Young's letter were ordered to be printed in the RECORD, as follows:

INFORMATION REQUESTED

1. The number of employees, by years, in the executive branch of the Federal Government since March 3, 1933.

2. A list of laws enacted by the Congress during the period from March 9, 1933, to July 7, 1952, which authorized employment of personnel without regard to civil service and classification laws. (This information has previously been submitted to another Senator, but I desire to have it incorporated in this report.)

3. The number of employees involved in the respective acts requested above.

4. The numbers and percentages of Federal employees in the competitive or career civil service during the years 1933 to 1952.

5. The number of employees brought into the classified civil service without benefit of competitive examination during the years 1933–52. In this connection, I desire to have the authority (statute, executive order, etc.) under which such action took place.

6. The number of employees in the executive branch of the Government on January 20, 1953. The number of said employees on December 1, 1953, or the latest date available.

7. The number and percentage of Federal employees in the competitive or career service on January 20, 1953. The number of said employees on December 1, 1953, or the latest date available.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 13, 1954.

Hon. WILLIAM F. KNOWLAND,
United States Senate.

DEAR SENATOR KNOWLAND: It is my pleasure to send you the statistical information which was requested in your letter of December 23, 1953.

Table I supplies the figures requested in items 1, 4, 6, and 7 of your letter. Since the statistics reported by the agencies to the Commission are as of the end of each month, table I contains figures as of February 28 instead of March 3, 1933, and as of January 31 instead of January 20, 1953.

Table II contains the list of laws requested in item 2 of your letter.

Table III supplies the statistics requested in item 5 of your letter.

The tables contain statistics on all items listed in your letter except item 3. This item requested the number of employees involved in the acts of Congress which authorized employment of personnel without regard to civil service and classification laws. Many of the acts of Congress listed in table II covered only certain blocks of positions in the agencies named. As an example, the provision in the Federal Power Act of 1935 covered certain officers, attorneys, examiners, and experts. While we do have statistics available on the total positions excepted from civil service in these agencies, we cannot determine how many of the positions were excepted by the legislation enacted between 1933 and 1952.

If we can be of further assistance, please let us know.

Sincerely,

PHILIP YOUNG, *Chairman.*

TABLE I.—*Trend of Federal civilian employment, 1932–53*

Date	Total, all areas [1]	Competitive civil service	
		Number	Percent
June 30, 1932	583,196	467,161	80.1
Feb. 28, 1933	567,697	[2] 453,590	[2] 79.9
June 30, 1933	572,091	456,096	79.9
June 30, 1934	673,095	450,592	66.9
June 30, 1935	719,440	455,229	63.3
June 30, 1936	824,259	498,725	60.5
June 30, 1937	841,664	532,073	63.2
June 30, 1938	851,926	562,909	66.1
June 30, 1939	920,310	622,832	67.7
June 30, 1940	1,002,820	726,827	72.5
June 30, 1941	1,358,150	990,218	72.9
June 30, 1942	2,206,970	[3]	[3]
June 30, 1943	3,157,113	[3]	[3]
June 30, 1944	3,312,256	[3]	[3]
June 30, 1945	3,769,646	[3]	[3]
June 30, 1946	2,722,031	[3]	[3]
June 30, 1947	2,128,648	1,733,019	81.4
June 30, 1948	2,090,732	1,750,823	83.7
June 30, 1949	2,109,642	1,802,708	85.4
June 30, 1950	1,966,448	1,687,594	85.8
June 30, 1951	2,486,491	2,175,668	87.5
June 30, 1952	2,603,267	2,246,446	86.3
Jan. 31, 1953	2,556,482	[2] 2,213,658	[2] 86.6
June 30, 1953	2,470,963	2,137,705	86.5
Nov. 30, 1953	2,365,629	[2] 2,040,828	[2] 86.3

[1] Totals through 1941 are taken from annual reports of the Civil Service Commission. After that date the source is the monthly report of Federal Civilian Employment.
[2] Estimated.
[3] Data not collected during war years.

TABLE II.—*A list of laws enacted by the Congress of the United States during the period from Mar. 9, 1933, the beginning of the 73d Cong., through July 7, 1952, the adjournment of the 82d Cong., carrying provisions authorizing employment of personnel without regard to civil-service and classification laws*

COVERAGE OF THE LIST

The list is not exhaustive, although it purports to be comprehensive within certain boundaries. These boundaries are drawn to eliminate references that would not only add to the bulkiness of the list, but would so becloud its purpose that its usefulness and accuracy could well be questioned.

Therefore, to keep the list within a proper perspective the following kinds of references have been omitted.

1. Laws creating small commissions or committees to exist for a short period of time to perform some specific duty such as "An act to provide for the appointment of a commission to establish a boundary line between the District of Columbia and the Commonwealth of Virginia."
2. Laws authorizing participation by the Federal Government in celebrations, expositions, and fairs such as the California Exposition Commission, the Texas Centennial Commission, operation of the Freedom Train, and the Paris Exposition.
3. Provisions appearing in the annual appropriation acts appropriating sums to various agencies for the employment of experts, consultants, or other personnel usually on a temporary basis. The amounts of money are usually not very large and the provisions seem to have no degree of uniformity. Sometimes they appear only once; sometimes they appear 2 or 3 times and then are dropped.
4. Laws pertaining to participation in international organizations such as a law providing for membership and participation by the United States in the International Refugee Organization.
5. Laws pertaining to the District of Columbia government such as those dealing with policemen and firemen.
6. Laws pertaining to employees outside continental United States.

USE OF THE LIST

The short titles of the laws are used if available; otherwise, the long titles are shortened.

The date approved means the date the President signed the law.

The page reference in the citations to the Statutes at Large is to the page on which the provision appears rather than to the page on which the law begins.

The section of the law is listed to make it easier to find.

Some of the provisions examined authorized employment without regard to civil-service laws; some authorize the fixing of compensation without regard to the Classification Act; some authorize both. Therefore, the last column is divided into two parts to indicate from which law the employees are exempt. The symbol X is used to show an exemption.

Often the provisions exempting personnel from the civil-service laws and/or Classification Act are limited to certain officers and employees. Where such is the case, the limitation is set out in a footnote.

The footnotes appear at the end of the list.

Title of act	Date approved	Citation to Statutes at Large	Section No.	Exempt from—	
				Civil-service law	Classification Act
Agricultural Adjustment Act	May 12, 1933	48 Stat. 37	10	X	
Emergency Farm Mortgage Act, 1933	do	48 Stat. 49	33	X	X
Federal Emergency Relief Act of 1933	do	48 Stat. 56	3 (b)	X	X
Tennessee Valley Act of 1933	May 18, 1933	48 Stat. 59	3	X	
Corporation of Foreign Bondholders, 1933	May 27, 1933	48 Stat. 93	203	X	X
For the establishment of a national employment system and for cooperation with the States in the promotion of such system.	June 6, 1933	48 Stat. 114	2	X	X
Home Owners Loan Act of 1933	June 13, 1933	48 Stat. 131	4 (j)	X	X
National Industrial Recovery Act	June 16, 1933	48 Stat. 195	2 (a)	X	X
Federal Emergency Administration of Public Works	do	48 Stat. 200	201 (a) (b)	X	X
Emergency Railroad Transportation Act, 1933	do	48 Stat. 211	2	X	X
Federal Farm Mortgage Corporation Act	Jan. 31, 1934	48 Stat. 345	1	X	X
For loans to farmers for crop production and harvesting during the year 1934	Feb. 23, 1934	48 Stat. 355	4	X	X
Regulation of cotton industry	Apr. 21, 1934	48 Stat. 605	17	X	X
Securities and Exchange Act of 1934	June 6, 1934	48 Stat. 885	4 (b)	[1] X	[1] X
Communications Act of 1934	June 19, 1934	48 Stat. 1067	4 (f)	[2] X	[2] X
To establish a National Archives of the U. S. Government	do	48 Stat. 1122	2	X	
National Housing Act	June 27, 1934	48 Stat. 1246	1	X	X
Federal Savings and Loan Insurance Corporation	do	48 Stat. 1256	402 (c) (5)	X	X
Tobacco Control Act	June 28, 1934	48 Stat. 1279	10 (c)	X	X
For loans to farmers for crop production and harvesting during the year 1935	Feb. 20, 1935	49 Stat. 29	4	X	X
To regulate interstate and foreign commerce in petroleum and its products	Feb. 22, 1935	49 Stat. 33	9 (b)	X	X
Emergency Relief Appropriation Act, 1935	Apr. 8, 1935	49 Stat. 117	3	X	X
Protection of land resources against soil erosion	Apr. 27, 1935	49 Stat. 164	4 (2)	[3] X	[3] X
National Labor Relations Act	July 5, 1935	49 Stat. 451	4	[4] X	
Central Statistical Board	July 25, 1935	49 Stat. 499	4	[5] X	[5] X
Social Security Act	Aug. 14, 1935	49 Stat. 636	703	[6] X	
Potato Control Act of 1935	Aug. 24, 1935	49 Stat. 790	218	X	X
Public Utility Act, 1935	Aug. 26, 1935	49 Stat. 837	31	[7] X	[7] X
Federal Power Act, 1935	do	49 Stat. 859	310	[8] X	[8] X
Railroad Retirement Act, 1935	Aug. 29, 1935	49 Stat. 972	8 (c)	X	X
Federal Alcohol Administration Act	do	49 Stat. 977	2 (c)	X	X
Rural Electrification Act, 1936	May 20, 1936	49 Stat. 1366	11	[9] X	
Bureau of Navigation and Steamboat Inspection	May 27, 1936	49 Stat. 1384	5 (a)	[10] X	
Thomas Jefferson Memorial Commission	June 3, 1936	49 Stat. 1399	2 (c)	X	X
For loans to farmers for crop production and harvesting during 1937	Jan. 29, 1937	50 Stat. 6	5 (a)	X	X
Providing for the construction and maintenance of a national art gallery	Mar. 24, 1937	50 Stat. 52–53	4 (c)	[11] X	[11] X
Bituminous Coal Act of 1937	Apr. 26, 1937	50 Stat. 73	2 (a)	[12] X	[12] X
Office of Consumers Counsel		50 Stat. 74	2 (b) (3)	[13] X	[13] X
To establish a civilian conservation corps	June 28, 1937	50 Stat. 320	5	X	
Bankhead-Jones Farm Tenant Act	July 22, 1937	50 Stat. 528	41 (a)	X	
To authorize completion, maintenance, and operation of Bonneville project	Aug. 20, 1937	50 Stat. 736	10	[9] X	[9] X
To create a commission and extend further relief to water uses on reclamation and Indian irrigation projects.	Aug. 21, 1937	50 Stat. 738	2	X	X
To provide for taking census of partial employment, etc	Aug. 30, 1937	50 Stat. 883	2		[14] X
Federal Crop Insurance Act	Feb. 16, 1938	52 Stat 73	507 (a)	X	
To authorize completion, maintenance, and operation of Fort Peck project for navigation	May 18, 1938	52 Stat. 406	9	[9] X	[9] X
Emergency Relief Appropriation Act, 1941	June 26, 1940	54 Stat. 622	21 (b)	X	X
Selective Training and Service Act, 1940	Sept. 16, 1940	54 Stat. 894	10 (a) (3)	[15] X	[15] X
Making an appropriation to the United States Maritime Commission for emergency cargo ship construction.	Feb. 6, 1941	55 Stat. 6	1	[16] X	[16] X
Emergency Relief Appropriation Act, 1942	July 1, 1941	55 Stat. 404	16 (b)	X	X
National Youth Administration Appropriation Act, 1942	do	55 Stat. 490	Par. 16	X	X
National Archives Trust Fund Board Act	July 9, 1941	55 Stat. 582	8 (b)	X	
To provide for the planting of guayule and other rubber bearing plants and to make available a source of crude rubber for emergency and defense uses.	Mar. 5, 1942	56 Stat. 127	2 (a)	X	X
To authorize the Secretary of Agriculture to provide Federal meat inspection during the present war emergency in respect of meatpacking establishments engaged in intrastate commerce only in order to facilitate the purchase of meat and meat food products by Federal agencies.	June 10, 1942	56 Stat. 351	2 (c)	X	X

[1] Exemption applies to certain officers, attorneys, and other experts.
[2] Exemption applies to a secretary, a director for each division, a chief engineer, and not more than 3 assistants, a general counsel and no more than 3 assistants, and temporary counsel for performances of special services.
[3] Exemption applies for not more than 8 months after passage of act; thereafter employees are to be appointed in accordance with civil-service and classification laws.
[4] Exemption applies to an executive secretary, attorneys, examiners, and regional directors.
[5] Exemption applies to persons appointed for temporary periods, not exceeding 12 months.
[6] Exemption applies to attorneys and experts.
[7] Exemption applies to attorneys, examiners, and other experts.
[8] Exemption applies to certain officers, attorneys, examiners, and experts.
[9] Exemption applies to attorneys, engineers, and experts.
[10] Exemption applies to technical staff.
[11] Exemption applies to Director, Assistant Director, Secretary, and Chief Curator.
[12] Exemption applies to the secretary, a clerk to each Commissioner, the attorneys, the managers and employees of the statistical bureaus, and such special agents, technical experts and examiners as the Commission may require.
[13] Exemption applies to clerk to the counsel, the attorneys and such special agents and experts as the Council requires.
[14] Exemption applies to temporary personnel.
[15] Exemption applies to clerical and stenographic employees for local boards.
[16] Exemption applies to personnel engaged in the maintenance, repair, operation, or management of plants or facilities.

TABLE II.—*A list of laws enacted by the Congress of the United States during the period from Mar. 9, 1933, the beginning of the 73d Cong., through July 7, 1952, the adjournment of the 82d Cong., carrying provisions authorizing employment of personnel without regard to civil-service and classification laws*—Continued

Title of act	Date approved	Citation to Statutes at Large	Section No.	Exempt from—	
				Civil-service law	Classification Act
National Youth Administration Appropriation Act, 1943	July 2, 1942	56 Stat. 573	Par. 15	X	X
Emergency Relief Appropriation Act, 1943	do	56 Stat. 642	15 (b)	X	X
Settlement of Mexican Claims Act of 1942	Dec. 18, 1942	56 Stat. 1058	2 (b)	X	X
Surplus Property Act of 1944	Oct. 3, 1944	58 Stat. 768	5 (a)	[17] X	[17] X
To amend Bonneville Project Act	Oct. 23, 1945	59 Stat. 546	5	[18 20 21] X	[19 21] X
To establish Department of Medicine and Surgery in the Veterans' Administration	Jan. 3, 1946	59 Stat. 679	14 (a), 14 (b)	[22] X	[22] X
Atomic Energy Act, 1946	Aug. 1, 1946	60 Stat. 771	12 (4)	[23] X	[23] X
Veterans Canteen Service	Aug. 7, 1946	60 Stat. 888	2 (e)	[24] X	[24] X
T establish an Office of Selective Service Records to liquidate the Selective Service System, etc	Mar. 31, 1947	61 Stat. 32	6 (a) (4)		X
To exclude interns, student nurses, and other student employees of hospitals of the Federal Government from the Classification Act and other laws relating to compensation or benefits of Federal employees.	Aug. 4, 1947	61 Stat. 727	1, 2		X
Economic Cooperation Act of 1948	Apr. 3, 1948	62 Stat. 139	104 (e)		[25] X
To provide basic authority for certain functions and activities of the Weather Bureau	June 2, 1948	62 Stat. 286	3	[26] X	[26] X
To authorize establishment of internships in the Department of Medicine and Surgery of the Veterans' Administration.	June 19, 1948	62 Stat. 536		X	X
To provide for Commission on Renovation of the Executive Mansion	Apr. 14, 1949	63 Stat. 46	2 (f)	X	X
Classification Act of 1949	Oct. 28, 1949	63 Stat. 954–957	202, 204, 205		X
Rural Rehabilitation Corporation Trust Liquidation Act	May 3, 1950	64 Stat. 100	4 (a)	X	X
Federal Records Act of 1950	Sept. 5, 1950	64 Stat. 584	503 (c)		[27] X
Renegotiation Act, 1951	Mar. 23, 1951	65 Stat. 20	107 (c)	X	
To confirm the status of certain civilian employees of nonappropriated fund instrumentalities under the Armed Forces with respect to laws administered by the Civil Service Commission.	June 19, 1952	66 Stat. 139	1	X	X
Communications Act Amendments, 1952	July 16, 1952	66 Stat. 711	3 (2)	[28] X	

[17] Exemption applies to special assistants, certified public accountants, qualified cost accountants, industrial engineers, appraisers, and other experts.
[18] Exemption applies to Assistant Administrator, Chief Engineer, and General Counsel.
[19] Exemption applies to laborers, mechanics, and workmen on construction work.
[20] Exemption applies to physicians to examine the laborers, mechanics, and workmen.
[21] Exemption applies to experts.
[22] Exemption applies generally to medical specialists; however, some of the personnel are subject to the civil-service and classification laws.
[23] The law provides that officers and employees shall be appointed in accordance with civil-service and classification laws "except to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws."
[24] Exemption applies to personnel necessary for the transaction of business at canteens, warehouses, and storage depots.
[25] Exemption applies to not more than 100 employees.
[26] Exemption applies to employees for meteorological investigations in the Arctic.
[27] Exemption applies to National Historical Publications Commission.
[28] Exemption applies to a legal assistant, and engineering assistant and a secretary for each Commissioner and an administrative assistant for the chairman.

TABLE III.—*Incumbents granted civil-service status noncompetitively under various pieces of legislation, Executive orders, and the civil-service rules and regulations between Mar. 4, 1933, and June 30, 1952, by authority and agency*

BY LEGISLATION

	Number
Act of Congress, Apr. 27, 1935 (Public Law 46): Soil Conservation Service	10,328
Act of Congress, June 29, 1936 (Public Law 835): U. S. Maritime Commission	894
Act of Congress, May 23, 1938 (52 Stat. 421): The National Archives	293
Act of Congress, June 25, 1938 (52 Stat. 1076): Post Office Department (postmasters at first-, second-, and third-class offices)	10,271
Act of Congress, July 2, 1940 (Public Law 719, 76th Cong.): District of Columbia Unemployment Compensation Board	118
Act of Congress, Nov. 26, 1940 (Public Law 880, 76th Cong.): Ramspeck Act	81,618
Act of Congress, Dec. 20, 1941 (Public 363, 77th Cong).: District of Columbia Board of Public Welfare	966
Total, by legislation	104,488

BY EXECUTIVE ORDERS

	Number
Executive Order 5817, Mar. 10, 1932: Bureau of Foreign and Domestic Commerce	192
Executive Order 5859, June 21, 1932: Treasury	191
Executive Order 6134, May 18, 1933: Farm Credit Administration	965
Executive Order 6758, June 29, 1934: Farm Credit Administration	1,660
Executive Order 7195, Sept. 26, 1935 (as amended by Executive Order 7223, Nov. 9, 1935): Civilian Conservation Corps	809
Executive Order 7458, Sept. 26, 1936: Rural Electrification Administration	288
Executive Order 7732, Oct. 27, 1937: U. S. Housing Authority	388
Executive Order 7852, Mar. 29, 1938: Lighthouse Service	194
Executive Order 7916, June 24, 1938	17,726
Executive Order 8383, Mar. 28, 1940: Interior (Office of Indian Affairs)	456
Executive Order 8699, Mar. 1, 1941: Federal Deposit Insurance Corporation	475
Executive Order 8811, June 30, 1941: Office of Government Reports (Executive Office of President)	297
Executive Order 8886, Sept. 3, 1941: Coast Guard	181
Executive Order 8939, Nov. 13, 1941: Farm Security Administration	1,104
Executive Order 8952, Nov. 27, 1941	1,282
Executive Order 9807, Nov. 29, 1946	354
Executive Order 10080, Sept. 30, 1949	4,248
Executive Order 10157, Aug. 28, 1950	16,520
Total, by Executive order	47,330

BY OPERATION OF CIVIL-SERVICE RULES AND REGULATIONS (CIVIL-SERVICE RULES ARE PROMULGATED BY EXECUTIVE ORDER)

	Number
Rule II, sec. 9 (formerly rule X, secs. 11 and 13)	87
Classified status given to citizens of the United States who had rendered faithful service overseas for not less than 7 years in a civil capacity. This regulation was revoked effective May 1, 1947.	
Rule III, sec. 3,101 of the regulations (formerly rule II, sec. 6)	35,324
Incumbents of positions brought into the competitive service.	
Rule III, sec. 3,101—Continued	
The largest groups included in this total are: 7,286 clerks in third-class post offices and special delivery messengers in first-class post offices; and 7,191 employees of Farmers Home Administration processed under this regulation as a result of the act of Congress, Aug. 14, 1946 (Public Law 731, 79th Cong.).	
Rule III, sec. 3.101 (a) (2) of the regulations (formerly rule II, sec. 7)	6,183
Post Office Service: Employees in offices advanced from the fourth class to a higher class, or in a post office consolidated with one in which the employees are classified as competitive.	
This regulation has been suspended effective Dec. 1, 1950.	
Rule III, sec. 3.104 of the regulations (formerly rule X, sec. 4)	47
Employees who have served at least 2 years in the immediate office of the President or on the White House staff and whose transfer to a competitive position is requested by any agency.	
Rule III, sec. 3.2 (formerly rule II, sec. 8)	115
Appointments in the competitive service without competitive examinations whenever the Commission finds that the duties or compensation of the position are such, or that qualified persons are so rare, that, in the interest of good civil-service administration, the position cannot be filled through open competitive examination.	
Total, by operation of rules and regulations	47,756
Grand total	193,574

AMENDMENT TO THE CONSTITUTION RELATING TO TREATIES AND EXECUTIVE AGREEMENTS

The Senate resumed the consideration of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements.

Mr. BRICKER. Mr. President, I understand the Senator from Montana [Mr. MURRAY] desires to obtain the floor. I suggested to the Senator from Montana that if he would withhold the delivery of his remarks upon his obtaining the floor, and would yield to me for a period of 10 or 12 minutes, I would agree to his securing recognition first.

Mr. MURRAY. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. THYE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. MURRAY. I yield for a question, provided I do not lose my right to the floor.

Mr. THYE. I have two questions I desire to propound in connection with the proposed amendments. I should like to raise the questions sometime this afternoon, especially before such time as the Senate may be asked to vote on the amendments. If a vote is to be taken this afternoon, I wish to raise my questions first, so that the authors of the amendments may give consideration to them.

The PRESIDING OFFICER. The Chair informs the Senator from Minnesota that the Senator from Oregon has asked for recognition following the completion of the remarks of the Senator from Montana [Mr. MURRAY]. That is all the information the Chair has at this time.

Mr. THYE. May I ask the Senator from Montana [Mr. MURRAY], if, when the Senator from Ohio [Mr. BRICKER] has completed his remarks, the Senator from Montana will yield 2 or 3 minutes to me?

Mr. MURRAY. I shall be glad to yield to the Senator from Minnesota, provided I do not lose my right to the floor.

Mr. THYE. Mr. President, I ask unanimous consent that, without losing his right to the floor, the Senator from Montana may yield to me for a brief period following the completion of the remarks to be made by the Senator from Ohio [Mr. BRICKER].

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

Mr. BRICKER. I desire to thank the Senator from Montana and the Senator from Minnesota. I shall make my remarks as brief as I can. However, they are pertinent to the issue under discussion and are in relation to the amendments offered by the senior Senator from Michigan [Mr. FERGUSON].

The three perfecting amendments to Senate Joint Resolution 1 approved by the administration are also approved by me. These amendments were submitted by the Senator from Michigan [Mr. FERGUSON], for himself, the Senator from California [Mr. KNOWLAND], the Senator from Colorado [Mr. MILLIKIN], and the Senator from Massachusetts [Mr. SALTONSTALL]. These three amendments should be supported by all Senators who desire to give the American people greater protection against abuse of the treaty-making power.

Taken together, the three perfecting amendments to Senate Joint Resolution 1 may be regarded as an administration substitute proposal. That proposal does not go far enough. Those who have supported me in this fight for a treaty-control amendment believe that it would be better for the Senate to pass no amendment this year than to pass an inadequate substitute.

On the other hand, by adopting one additional amendment to the Senate Judiciary Committee text, we would have a constitutional amendment embodying substantially all the objectives of Senate Joint Resolution 1. Therefore, Mr. President, on behalf of myself and most of the members of the Senate Judiciary Committee who voted to report Senate Joint Resolution 1 with a favorable recommendation, I have submitted an amendment to the committe amendment to Senate Joint Resolution 1.

The amendment I have proposed, together with the three amendments to which the administration has no objection, would result in a treaty-control amendment reading as follows:

SECTION 1. Clause 2 of article VI of the Constitution of the United States is hereby amended by adding at the end thereof: Notwithstanding the foregoing provisions of this clause, no treaty made after the establishment of this Constitution shall be the supreme law of the land unless made in pursuance of this Constitution.

SEC. 2. A provision of a treaty or other international agreement which conflicts with this Constitution shall not be of any force or effect.

SEC. 3. A treaty or other international agreement shall become effective as internal law in the United States only through legislation by the Congress unless in advising and consenting to a treaty the Senate, by a vote of two-thirds of the Senators present and voting, shall provide that such treaty may become effective as internal law without legislation by the Congress.

SEC. 4. On the question of consenting to the ratification of a treaty the vote shall be determined by yeas and nays, and the names of the persons voting for and against shall be entered on the Journal of the Senate.

Section 3 in the above text represents the area of disagreement as between the administration and myself.

Throughout the course of this debate, I have indicated my willingness to compromise on language but not on principle. The proposed modification of Senate Joint Resolution 1 should prove even to the most hostile segment of the press that I have never had the slightest desire to hamstring the President in carrying out his enormous responsibilities in the field of foreign affairs. At the same time, adoption of the modified text would completely vindicate the efforts of those patriotic organizations and individuals who have alerted the American people to the dangers of treaty law.

The modified text of Senate Joint Resolution 1 would definitely accomplish these ends:

First. All treaties in conflict with the Constitution would be of no force or effect. This provision has been a part of every proposed constitutional amendment I have drafted.

Second. All executive agreements in conflict with the Constitution would be of no force or effect. This provision has also been under consideration ever since Senate Joint Resolution 130 was introduced by me on February 7, 1952.

Third. Legislation implementing invalid treaties and executive agreements would be of no force or effect.

Fourth. The Senate's advice and consent to the ratification of treaties must be by a yea and nay vote, thus insuring the presence of a quorum. This proposal stems from the proposed substitute for Senate Joint Resolution 1 introduced by the majority leader on July 22 of last year. It should prove very helpful in curbing abuse of the treatymaking power. I am happy to accept it.

Fifth. All treaties would be nonself-executing unless the Senate by affirmative action of two-thirds of the Senators present should permit a treaty to be self-executing. This provision is a modification of the nonself-executing clause of section 2 of Senate Joint Resolution 1 as reported by the committee. This modification recognizes the fact that some relatively noncontroversial treaties should not be required to be enacted into law by both Houses of Congress. At the same time, the amendment I have proposed will protect the people of the United States from far-reaching changes which may flow from the ambiguous phrases of a treaty which the Senate cannot always anticipate at the time it acts on a treaty.

Sixth. Executive agreements would not become effective as domestic law without implementing legislation, thus overruling the pernicious doctrine of United States against Pink.

Two controversial features of the committee text are not present in the new text. They are:

First. Confirmation of the power of Congress to regulate the making of executive agreements. Since most American lawyers, including many opponents of Senate Joint Resolution 1, believe that Congress already possesses such power, the elimination of this provision was a relatively minor concession to the administration's point of view. With this provision eliminated, it is now impossible to contend that anything in the proposed amendment will hamper the President in the field of foreign affairs. Furthermore, the deletion of this provision enables all proponents of the amendment to say that nothing contained therein has any effect whatever on the existing powers of the President, of the Senate, and of the Congress, insofar as the foreign affairs of the United States are concerned.

Second. Elimination of the so-called "which" clause will be brought about. As Members of the Senate will recall, when Senate Joint Resolution 1 was originally introduced by me on January 7, 1953, it did not contain the so-called

"which" clause. That clause was not included in the original version because at that time I felt there might be some subject of genuine international concern appropriate for a treaty but which, in the absence of treaty, fell within the constitutionally reserved powers of the States. After hearing the testimony before the Senate Judiciary Committee, I became convinced that there was no subject within the reserved powers of the States which could be a legitimate matter of international concern.

As I pointed out in my opening speech in the debate on Senate Joint Resolution 1, I am convinced that even in the absence of treaty Congress has full power to regulate the rights of aliens in the United States, the growing of opium poppies, extradition, and all aspects of atomic energy. However, in view of honest doubts as to the wisdom of the "which" clause, and in view of the many erroneous charges circulated concerning it, I have concluded that it is wise to drop that clause from the amendment. As a matter of fact, I offered long ago to make this concession to the administration's point of view.

Some protection to the States against the treaty power is contained in the modified text. For example, it is provided in the amendment I will propose to the committee amendment that the Senate, by a vote of two-thirds of the Senator's present and voting, may provide that a treaty shall become effective as internal law without legislation by the Congress. This will enable two-thirds of the Senators to consider and to protect the reserved powers of the States in appropriate cases, if it so desires. This has been frequently attempted in the past in the Senate by way of reservation to a treaty in the form of a Federal-State clause. For example, when the Senate consented to ratification of the Charter of Organization of American States in 1951, it attached the following reservation:

> None of its provisions shall be considered as enlarging the powers of the Federal Government of the United States or limiting the powers of the several States of the Federal Union with respect to any matters recognized under the Constitution as being within the reserved powers of the several States.

Unfortunately, under the doctrine of Missouri against Holland, it is impossible for the Senate by way of a reservation to a treaty to deprive the whole Congress of its power under the Constitution as interpreted in Missouri against Holland. This is a danger which even the opponents of Senate Joint Resolution 1 recognize. For example, a report of the New York State Bar Association appears in the record of hearings beginning at page 618. This report was signed by Mr. John W. Davis, Mr. William D. Mitchell, and Mr. Harrison Tweed, all able lawyers and all opponents of any treaty-control amendment. Their report points out, however, that a Federal-State clause would probably not be effective to protect the reserved powers of the States under the Constitution as it stands today. On page 621 of the record of hearings the following statement appears:

> If we want to put a clause in the (Human Rights) Covenant on this subject, it would have to go further and provide that the Federal Government assumes no obligation to enact legislation which it could not constitutionally enact, in the absence of treaty. This would relieve the Federal Government from an obligation to enact Federal legislation, but even then it might be held that under the rule in *Missouri* v. *Holland* Congress would gain power to fully implement the Covenant although under no international obligation to do so.

I see no reason whatever why the Senate in advising and consenting to a treaty should be powerless to respect the reserved powers of the several States. In many cases, the Senate has attempted to show a decent respect for States prerogatives. I do not see how any Member of the Senate can successfully maintain that the Senate should be unable to protect the powers of the States from the full impact of a treaty if two-thirds of the Senators so decide. That is constitutionally imposible today because of the decision in Missouri against Holland. One of the premises of that case is that Congress has unlimited power to legislate in implementation of a treaty. That is a power which the Senate cannot take from the Congress merely by attaching a reservation to a treaty. However, if the amendment which I have proposed is adopted, two-thirds of the Senators present and voting will be able to make such reservations effective.

I listened with great interest today to the speech made by the senior Senator from Michigan [Mr. FERGUSON] on the amendments endorsed by the administration. Specifically, I agree with him that those amendments, if adopted, will produce the following results:

First. Prevent any delegation of the executive, legislative, or judicial power of the United States to the United Nations or to any other international organization. In other words, the amendments proposed by the Senator from Michigan and endorsed by the administration, which I approve, will prevent world government by treaty or by executive agreement.

Second. Prevent the United States from becoming a party to the United Nations draft statute for an International Criminal Court except by further amendment of the Constitution.

Third. The proposed amendment of the supremacy clause will remove all doubt as to the effectiveness of the following section providing that a treaty or other international agreement in conflict with the Constitution shall be of no force or effect.

I agree with the senior Senator from Michigan that the dissenting opinion in the steel seizure cases shows the danger of treaty law.

I agree with the senior Senator from Michigan that all prudent men, in view of the decision in Missouri against Holland and other decisions of the United States Supreme Court, should not take the risk that a treaty might be held some day to override the Constitution and cut across the Bill of Rights, as suggested by the Secretary of State at Louisville.

I agree with the senior Senator from Michigan's analysis of the Pink case, namely, that the President by an executive agreement, not approved by either House of Congress, was able to override the law of the State of New York and to deprive alien creditors of their property otherwise protected from confiscation by reason of the fifth amendment.

Thus it appears that there are two major differences between the administration and myself with respect to what constitutes an adequate treaty-control amendment. The first difference is one to which I have already referred. I would make all treaties non-self-executing, subject to the right of the Senate to make them effective without legislation, in order to prevent the ambiguous phrases of a treaty from producing far-reaching and unintended consequences.

If such a provision had been in the Constitution of the United States in 1945, we would not have the problem today with respect to articles 55 and 56 of the United Nations Charter. All Members of the Senate in the 79th Congress believed, on the basis of official representations, that the human-rights provisions in the charter were non-self-executing. As a practical matter, it was impossible for the Senate to consent to ratification of the charter with any reservation whatsoever. This same general problem will come up again and again. In my judgment, making all treaties non-self-executing as domestic law will facilitate the ratification of treaties by the United States Senate.

The second major difference between the administration's position and my own concerns the problem of executive agreements as domestic law. The senior Senator from Michigan [Mr. FERGUSON] recognizes the need to prevent executive agreements from overriding the Constitution. I submit that it is just as important to prevent one man, the President of the United States, from making domestic law simply by making a promise to some foreign power. We have not plugged the loophole in the Constitution merely by providing that executive agreements shall not override the Constitution. We must go further and provide, in effect, that no powers of domestic legislation are vested in the President, as was decided in the Pink case. My amendment to the committee amendment will carry out the purpose of the Founding Fathers when they provided in the very first section of the first article to the Constitution:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

I thank the Senator from Minnesota for yielding.

The PRESIDING OFFICER. By previous unanimous-consent agreement, the Senator from Minnesota [Mr. THYE] has permission from the Senator from Montana [Mr. MURRAY] to ask a question, with the understanding that the

Senator from Montana will not lose the floor.

Mr. FERGUSON. Mr. President, will the Senator from Minnesota yield?

Mr. THYE. I yield, provided the Senator from Montana does not lose the floor by my yielding.

Mr. FERGUSON. Mr. President, I ask unanimous consent that neither the Senator from Montana [Mr. MURRAY] nor the Senator from Minnesota [Mr. THYE] will lose the floor.

Mr. JOHNSON of Texas. Mr. President, I should like to make a parliamentary inquiry. What is the purpose the Senator from Michigan has in mind?

Mr. FERGUSON. I was going to ask if it was possible to have a vote on the amendment designated "2–25–54–B," on page 3, line 5, after the word "treaty", to insert "or other international agreement."

Mr. JOHNSON of Texas. I have no objection.

Mr. MORSE. Mr. President, I think it would be a mistake to vote tonight on the amendment. Some of us would like to read the RECORD. Since it is a very important amendment, I think it should go over and the vote on it taken tomorrow.

The PRESIDING OFFICER. The Senator from Michigan has secured permission from the Senator from Minnesota to ask a question. Does the Senator from Michigan desire to make a unanimous-consent request?

Mr. FERGUSON. No; I ask for a vote.

Mr. KNOWLAND. Mr. President, I wonder if the Senator from Minnesota will yield to me, under the same condition, that he will not lose the floor?

Mr. THYE. I yield.

Mr. KNOWLAND. I wondered whether the Senator from Oregon would object to a vote today. The amendment was not offered today. It has been under consideration for a considerable period of time, and is merely an amendment offered to perfect the committee amendment.

Mr. MORSE. If I understand the parliamentary situation correctly, the Ferguson amendments and the Bricker acceptance of them have quite a bearing on the perfecting amendment. I think we ought not to consider the Ferguson amendments and the Bricker acceptance of them tonight in view of what the RECORD shows regarding what the Senator from Michigan put in the RECORD by way of argument in support of his amendments. I do not think the perfecting amendments can be separated from the amendments offered today.

The PRESIDING OFFICER. Does the Senator from Oregon object to the request of the Senator from Michigan?

Mr. MORSE. There is nothing the Senator from Oregon can do to prevent a vote if, in the orderly course of debate, we get to a vote; but there will be discussion before the vote.

The PRESIDING OFFICER. What is the desire of the Senator from Michigan?

Mr. FERGUSON. The Senator from Michigan desires a vote on the amendment.

Mr. MORSE. Mr. President, if the plan is to vote now, the Senator from Oregon has a speech he should like to make.

Mr. THYE. Mr. President, I realize the pitfalls which are inevitable when we seek to write into our basic law language that gives a clear and unmistakable understanding, but I think it is extremely important that when we propose a constitutional amendment we are very certain we are saying what we mean.

I find in the wording of the substitute amendment before the Senate this sentence:

> No treaty made after the establishment of this Constitution shall be the supreme law of the land unless made in pursuance of this Constitution.

My first question in relation to this sentence is: Whether it would possibly have the effect that all treaties entered into by this country up to this time would be subject to reexamination in our courts, or does it refer only to treaties to be approved after the adoption of the new provision?

Mr. FERGUSON. Mr. President——

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Does the Senator from Minnesota yield to the Senator from Michigan?

Mr. THYE. Yes, indeed. I am asking a question.

Mr. FERGUSON. The answer is that it would apply to all treaties made after the establishment of the Constitution, because the Constitution speaks as of the date of its establishment. I may say that after the 14th amendment was adopted, all laws and all State constitutions in conflict with it were considered void, even though they were in existence before the 14th amendment was adopted.

Mr. THYE. My other question relates to the meaning of the words "in pursuance of." Here I find real ground for confusion.

Webster's Dictionary indicates that the word "pursuance" means carrying out or into effect.

The Constitution itself, in the very article proposed to be amended, uses the words correctly in saying "This Constitution, and the Laws of the United States which shall be made in pursuance thereof." In other words, the language means laws which are made to carry out the Constitution or put it into effect.

I have never heard of a treaty being negotiated in order to carry out the Constitution of the United States or put it into effect.

If the language had been "pursuant to", the phrase would mean in agreement with our Constitution, according to the usage prescribed by Webster's Dictionary.

"In accordance with" and "in conformity with" would be more accurate phrases than "in pursuance of," as I understand the intent of the authors.

The phrase "in pursuance of this Constitution," as applied to treaties, in the language of the substitute amendment, could very well be interpreted as meaning treaties which are made to carry out or put into effect the Constitution of the United States.

Since no treaties have been or will be made for that purpose—the Congress of the United States by the enactment of statutes and the courts of the land by their decisions being the agencies which implement provisions of the Constitution—this amendment, as now worded, becomes utterly meaningless when the language is strictly interpreted in the light of its proper meaning.

I should like to inquire of the authors, therefore, whether this provision or language really means what it says.

Are we referring only to treaties made "in pursuance of this Constitution"—that is, to put the Constitution into effect or carry out its provisions—or are we referring to all treaties made by our Government? The language is most difficult to understand, and it has a meaning which could well be otherwise interpreted. Therefore, I raise this question before I am willing to cast my vote on this proposal.

By means of this amendment, Mr. President, shall we be saying that only treaties made to put the Constitution into effect or carry out its provisions would be the supreme law of the land? If so, where will that leave other treaties which might be in agreement with our Constitution, but not "in pursuance of" it? Let us ponder that question.

It may be said the intent is clear. That could well be the case so far as the record of the debate in Congress is concerned; but an amendment to the Constitution involves ratification by the legislatures of three-fourths of the States, and to them the intent might not be quite so clear.

Mr. President, I am frankly concerned over the effort we are making to write amendments to the Constitution in the course of debate on the floor of the Senate. We have a great Constitution, which basically has stood the test for 166 years of representative government. We have made changes in it when the needs of the Nation have required them from time to time. It is our business seriously to consider reasonable changes.

Therefore, Mr. President, let us be very certain that we do not introduce into this great basic law, language that is hazy and will lead only to controversies in the future.

Mr. President, to those two questions, I should like clear answers before I would care to cast my vote on this very important question.

The Senator from Michigan was able to answer the first question. However, the question as to the interpretation of the words used, according to Webster's dictionary, I should like to have answered in a crystal-clear fashion before the vote is taken.

Mr. FERGUSON. Mr. President, if the Senator from Minnesota will read the remarks I have previously made, I think he will find that we have made the amendment crystal clear. The language here used is identical with the language used in article VI, in relation to a law. "Made in pursuance thereof" is the same as "made in pursuance of this Constitution"; and it is to avoid a conflict with the previous article as proposed, which would become a part of the Constitution, that is, that no treaty or international agreement which was in conflict with the

Constitution would be of any force or effect.

If we do not include this amendment in relation to the article VI, clause 2, we then would have a serious conflict with what we would be including. I refer to what is known as the conflict clause and the clause we are presently discussing.

Mr. THYE. The question is as to the meaning of the words "pursuant to." If we consult Webster's Dictionary, we find ourselves in a somewhat confused frame of mind, because the language does raise the question of what is meant by "pursuant to."

I raise this question because I do not wish to tamper with something which has served our Nation so well for 166 years, unless some of my colleagues who are qualified from a legal point of view—of course, I do not speak as an attorney, and therefore I raise this question with those of my colleagues who can qualify as legal experts—make certain that we do not make the error of including in the Constitution amendments which later may be found to be very vague and may be interpreted to mean something we never intended them to mean.

So I wish all my colleagues to ponder this question before we proceed to vote.

Mr. President, I thank the Senator from Montana for yielding this time to me.

CONGRESS MUST ACT TO AVERT A DEPRESSION

Mr. MURRAY. Mr. President, in recent weeks widespread concern has developed across the country with regard to the economic state of the Nation. The press daily carries headline stories concerning curtailed industrial production and mounting unemployment in many sections of the country. Editorials and special articles in the press, as well as speeches in both Houses of the Congress, have been expressing apprehension over these conditions. It is being asserted by many economists that we are heading for a real depression if something is not done to grapple with these serious economic developments.

The course of the administration in regard to our national economic situation is now clear. President Eisenhower has delivered his economic report. In it he has admitted but minimized declines in various segments of the economy. He has talked wistfully and hopefully about an end to these declines by midyear. He has talked about the necessity of Government action to keep the economy growing. But, so far as I can find, he has proposed neither immediate nor adequate long-term action to reverse this definite trend in our economy.

That we are now undergoing a recession is conceded by many economists, commentators, and editorial writers. This downtrend is gaining momentum. The administration, however, is seeking to refute the inference that there should be any real concern in the country so far as these conditions are concerned. We are told that what is occurring in this country is, in reality, a healthy readjustment and a return to normalcy.

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

Mr. MURRAY. I yield.

Mr. KILGORE. I ask the Senator if the words "return to normalcy" awaken any recollection in his mind of the 1920's. Does he remember any such slogan as of that time?

Mr. MURRAY. I remember it very well.

Mr. KILGORE. Has the Senator from Montana also studied the present apparent trend to concentrate contracts in certain selected industries? Has he ever encountered a situation in which, for example, the Government will exceed real needs in requiring production by plants, and then require those plants, after having overproduced, to bid against one another in an endeavor to dispose of goods which cannot be disposed of to anyone else but the Government? Has the Senator noticed that trend? I have seen it in the East in several instances.

Mr. MURRAY. That is a very serious development.

Mr. KILGORE. That might be good business on the part of so-called big business, but it is not good government income balancing business, is it?

Mr. MURRAY. No. I am absolutely opposed to that. I do not think it has any justification whatever. It seems to me that contracts should be spread among corporations which are capable of manufacturing the things which are necessary, so that if the time comes when we need to speed up production in any line, we shall have plants ready and available to take the contracts.

Mr. KILGORE. But if those plants, by reason of such a system, are put out of business, does not that weaken the defense agencies of this Nation?

Mr. MURRAY. That would have a very definite weakening effect upon our ability to produce.

It has been stated many times that the late war was won largely by the enormous production we were capable of making. That enormous production was made possible as a result of the widespread distribution of contracts, bringing smaller concerns into manufacturing. Small manufacturing shops were brought into the field, which contributed to the great production which was made.

Mr. KILGORE. That is true, particularly if the items produced go into such hard-to-produce products as shell steel, disc steel, and tool steel. Such a trend as I have described might seriously cripple our defense effort if we were called upon to engage in a rapid expansion of production.

Mr. MURRAY. That is correct. The Senator is very familiar with that subject.

Mr. President, since I started preparation of this address I have been distressed to learn that the copper mines of my home city of Butte have been placed on a 5-day week and 2 mines have been closed entirely. Butte is a community almost entirely dependent on the full operation of its copper mines. This cutback in the workweek means a cut of approximately $500,000 a month in buying power. It is simple arithmetic to understand how quickly this will be felt by every merchant and businessman in the city of Butte.

As further evidence of what is taking place in this single community I ask to have printed in the RECORD a letter I have received from the carpenters and joiners union of Butte.

The men working in the Butte mines are about to receive, on the average, a cut in their monthly paychecks of $125. Surely they cannot take the view that this is a "healthy readjustment" of their economic status. Nor can the Butte merchant who will feel this loss of purchasing power regard it as a "healthy readjustment."

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

LOCAL UNION NO. 112,
UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA,
Butte, Mont., January 29, 1954.

HON. JAMES MURRAY,
United States Senator,
Senate, Washington, D. C.

GREETINGS: On behalf of the membership of the local union I represent, we, the carpenters and builders of Butte, Mont., want you to know, with all due respect, that we admire you as a Senator and as a man who has devoted his best and very able services to the welfare of the people you represent.

To begin with, sir, conditions here in Butte are very serious, in our opinion, as to the slump and lack of work that the carpenters and builders of the city and county are experiencing. Construction has come to a virtual standstill. Businessmen of the city seem to be setting aside plans for renovation, which should be in full swing about now, and the truth of the matter is this: that the members of the local union are worried and have been forced to sign up for meager unemployment benefits.

In regards to the signing up for unemployment benefits, many of our members are experiencing much grief in the securing of their checks. Many carpenters have complained that they have had to wait a month or in some instances longer for their checks. Then, too, a carpenter will go back to work, the job will fold up for one reason or another, and even though this individual's claim is active there is another waiting period he must go through before he receives his small subsistence. We of the union protest these conditions as being most unsound, and the principles that the industrial accident and unemployment commission of this State that have been substituted for the letter of the of the law to be used at their own discretion we wish to condem as most un-American to say the least. Will you please help us in this matter?

With the best of wishes.

JAMES P. KOHN,
Recording Secretary.

Mr. MURRAY. Nevertheless, Mr. President, the conditions to which I have adverted seem to be continuing and growing more threatening day by day. Many businessmen express the view that we are in a downtrend which is gathering momentum, and that these conditions cannot be longer ignored.

Efforts are being made to get us to ignore the condition to which I have referred. Attempts are even being made to frighten anyone who mentions recession or depression by accusing them of attempts to talk us into a decline.

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

Mr. MURRAY. I yield.

Mr. GORE. Would the distinguished senior Senator from Montana be willing to give to the Senate the benefit of his understanding as to the real difference between a recession and a downward adjustment?

Mr. MURRAY. A recession seems to me to be much more serious than a downward adjustment. A downward adjustment means a simple readjustment of conditions, which would not result in unemployment or in serious curtailment of production. If it goes so far as to result in very serious unemployment, it seems to me that it should be designated as a recession, instead of being called a readjustment.

Efforts were made to ignore and then talk our way out of the depression following the Wall Street collapse of 1929. It was fruitless. We did not begin to recover until we faced the facts. And we must face the facts today.

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

Mr. MURRAY. I yield.

Mr. GOLDWATER. I am very happy that the Senator from Montana has mentioned the copper situation, because my State, like his State, depends to a great extent for its economy upon the output of copper. The Senator is aware, I believe, of the fact that we have been paying 35 cents a pound for Chilean copper. I believe that in the Senator's State copper producers are receiving 27½ cents a pound. In Arizona we receive 24½ cents a pound.

Would the Senator from Montana be agreeable to providing some protection to the copper mines of our country, as well as to the lead and zinc mines?

Mr. MURRAY. Certainly they are entitled to protection. I seems to me it would be very serious to permit American copper mines to be so seriously affected by the importation of copper that they would be compelled to shut down and allow their mines to fill with water. If that should happen there would be a very serious situation.

Mr. GOLDWATER. Has the Senator from Montana given the subject sufficient thought to be able to suggest a tariff figure or other protection we might consider?

Mr. MURRAY. I have not gone into the subject carefully enough to be able to offer anything at this time. I would rather hear the position taken by the American copper producers before attempting to offer any proposal.

Mr. GOLDWATER. Of course, the Senator from Montana realizes that copper production depends upon demand, and that the domestic output of copper has not been sufficient to meet the demand. It seems reasonable to expect a continuation of domestic copper production, and there has been no indication in my State of a shutdown, but I realize there is a difference between copper-mining operations in my State and in the Senator's State. I thank the Senator for his observation that he would participate in the consideration of protection not only for copper mines but also for the lead and zinc mines of the West.

Mr. MURRAY. Certainly.

Mr. GOLDWATER. I thank the Senator.

Mr. MURRAY. In a recent issue of the Washington Post, Mr. Roscoe Drummond writes:

> Few of the experts forecast a depression. Few of them foresee an extended recession. But their calculations do see a degree of temporary recession that could cause alarm to voters and to the politicians and, as in 1949, produce a serious economic crisis within the economies of some of our allies.
>
> It will be healthier to face this problem now than to be surprised and unprepared if it comes.

Mr. WILEY. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. WILEY. Mr. President, I am sorry I was called out of the Chamber. The Senator is discussing the condition of the copper, lead, and zinc mines of the country. I may say that in my State many copper mines have shut down; and when a mine is shut down it costs a great deal of money to reopen it.

In view of the vital materials involved the subject should be thoroughly studied, and we should not allow our mines to be ruined to the extent that in case of an emergency we would not be able to produce locally the minerals which would be needed.

As was suggested, paying from 7 to 10 cents a pound more for the foreign product than we pay for the local product does not sound good to me. In my own State some mines have shut down and others are being forced to shut down because they cannot make ends meet. There is a saying in the Bible which can be paraphrased as: "If you don't look after yourself, you are unworthy." It is a subject which we must think about very seriously.

Mr. MURRAY. The remarks of my distinguished friend, the Senator from Wisconsin, are very relevant to the situation with which we are confronted. Studies are now being made of the problem of zinc, lead, and copper production and generally with reference to the protection of mining in this country.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield further?

Mr. MURRAY. I yield.

Mr. GOLDWATER. I am sure the Senator from Montana would be interested in a fact which I determined just yesterday, namely, that we pay Peru 17½ cents a pound for zinc. There is no zinc or lead mine operating in my State today, because the domestic price is too low.

However, we cannot ascribe that particular difficulty to the present administration, because it inherited the laws under which we are now operating and paying the high prices to alien producers.

I shall certainly join with the Senator from Montana in any effort to bring justice to our western miners.

Mr. MURRAY. The subject certainly is entitled to very careful and exhaustive study. At this time hearings are being held and studies are being made.

Mr. President, the evidences of an economic decline are too obvious for the situation to be hidden or ignored; and, in my judgment, now that we have the President's economic report, we should bring it out in the open, discuss it thoroughly, and institute remedial action as quickly as possible.

It seems to many of us that the unwise administration policies which have been inaugurated are causing a shift of income from the consumer spenders to lenders, wealthy stockholders, bondholders, landlords, and large corporations.

The big industrial and business organizations of the country are following the same course they followed in the depression which began with the Wall Street collapse in October 1929. They have worsened the present situation with such price rises as those made in June and July by steel, and by the electrical, aluminum, and petroleum industries—rises which are being maintained and which continue to depress demand.

Some of us in the past have drawn attention to the tremendous concentration which has taken place in the American economy, and what it portends in the way of monopolistic control and exploitation contrary to the public welfare. Now we have evidence of the denial of competition in the launching by the big industries of cutbacks in production to maintain control of the market place and keep prices from dropping as demand falls off. The giant industries of the country are placing the burden on the backs of the workers as they did in the great depression. They are reducing employment and hours of work; gearing production to the amount of goods that can be sold at high, rigid prices—altogether unmindful of the effect of these manipulations on the total economy and on the masses of our people.

Why, in all the long list of 21 "musts" in the President's State of the Union message, is there not a single word said of this significant factor causing today's recession? Could it be that this big-business administration is wedded to the philosophy of restricted production, a waiting line of workers at the factory gate, a Taft-Hartley law to prevent labor from using its economic strength to halt recession, and a profit margin maintained no matter what its depressing effect on the entire consuming population?

The fires of economic fear are burning across the land, and they are fanned alike by Presidential statements about maintaining a growing economy when every student knows it has already been thrown in reverse, and by the indiscreet and irresponsible statements of the President's advisers that Government should act only when undue disaster strikes, or when we reach the 25 percent to 30 percent decline that Mr. Burgess defines as a "spiraling recession" level.

The people are fearful because it is apparent today that the administration's performance does not match its promises—that the promises are hollow. They are today given, for example, within the limits of a single section of one speech, both the glittering promise and the reality: The assurance that farmers are to share fairly in the increases in our standard of living, and then, only two

breaths later, the reality that in no case should there be an abrupt downward change in the dollar level of their price supports. It is no longer possible to make the promises and delay the reality a year pending more studies. The admission of intended downward adjustments now follows right on the heels of the glittering generalities.

The people are fearful because the progressive economic policies which helped us avoid a postwar depression of the kind which followed all other wars have been repudiated as inflationary.

They are fearful because neither the administration nor the appropriate committee of this Congress is yet in action to implement the Employment Act of 1946, which pledges the Federal Government to "coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities for those able, willing, and seeking work, and to promote maximum employment, production, and purchasing power."

I understand the Joint Committee on the Economic Report is now in session and is considering these matters.

They see instead economic policies reflecting the desire for higher profits of bankers and monopolists, causing unemployment, declining production, falling incomes, and even bankruptcy to millions of Americans.

If these policies are not promptly reversed—and at this point I see no hope for such reversal except by this Congress taking the initiative—we shall end in another economic debacle that will disastrously drag down the economic strength of our democracy at the moment of its most critical test in world history.

Let it be remembered that a drop in our level of economic activity of only 5 percent or 6 percent can mean widespread unemployment and national disaster in many Latin American, Asiatic, and South African countries which supply raw materials, and particularly in those countries whose economies are heavily based on a single raw material.

In 1938 there was a drop in gross national product here of only 6 percent, but United States imports dropped 31 percent. In the sterling area of Asia and Africa the proceeds from commodity exports dropped 48 percent. A decline in demand for tin, rubber, sugar, and similar commodities which frequently are the principal export of a nation, means extensive unemployment, lowered wages, and a depression many times greater in the producing country than anything we experience in the United States.

In all these countries, communism stalks in search of recruits, awaiting the very opportunity that economic chaos resulting from an American recession would give them. And it is not just these underdeveloped countries. Italy totters on the brink of political-economic disaster. France likewise.

I am deeply concerned that the so-called "healthy readjustments" in the United States may mean the actual loss of entire nations by the free world—losses which, if the result of military action, would shake this Nation and the whole world. The losses will be just as real and just as damaging if by economic blundering as if by military blundering.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. MORSE. I am very glad the Senator is pointing out the danger involved in the growing unemployment in this country. The Senator heard me say on the floor of the Senate recently that the highest rate of unemployment in the United States at the present time is in my State of Oregon. A week ago last Monday the unemployment rate was 12.7 percent. It is very interesting to note how little the press in my State seems to have to say about the unemployment situation in the State. By and large, the press line is that it is a seasonal unemployment problem. But a 12.7 percent unemployment rate cannot be explained on the ground of any seasonal phenomena. The construction industry is pretty much down; in the lumbering industry there is great unemployment; and there is a loss of purchasing power throughout the State which is reflected in a great reduction of sales in retail stores.

There arrived today from Oregon two pictures which I wish could be placed in the RECORD. Under the rules, they cannot be published in the RECORD, but the captions can be printed. The pictures are from the International Woodworkers Trade Union paper, which very graphically displays the situation in my State, and the comments call attention to the fact that the press is not informing the people of Oregon as to what the situation is regarding unemployment.

But here we have the picture, and if the Senator from Montana will permit me, I should like to give a verbal description of them. They are reminiscent of the 1929, 1930, and 1931 era. They are soup-line pictures. Under one picture this statement appears:

Soup lines are growing in Portland, Oreg., as effects of GOP sound-money policy fail to wear off despite frantic efforts of administration to backtrack to comfortable-money methods. Above are 2 segments of 500-man line at about 5 p. m. on evening of January 19, 1954. Men are shivering in freezing temperature as they wait for free lunches and table space in Blanchet House of Hospitality. State of Oregon Welfare Commission will not give financial aid to employable single men, so they must depend on charity after their unemployment compensation expires, if they are lucky enough to have compensation of $25 a week. Blanchet House food is provided by donations and much of it comes from Catholic hospitals in city. All help is volunteer, including that of director, John Beirne. Most Keynesian economists agree these lines will increase many times if GOP doesn't resort to New Deal pump-priming on vast scale. Oregon's problem is mainly seasonal, so far.

The article in the paper which printed these pictures goes on to point out the deplorable unemployment situation which is developing in my State. But it is not exceptional. There are other spots in America where unemployment is rising at a rapid rate.

I desire to repeat what I said when I was the first one to suggest on the Senate floor in this session of Congress, that one of the things which this administration should do, and do quickly, is to provide such charitable institutions as the Blanchet House of Hospitality in the State of Oregon, and other charitable institutions across the Nation, with quantities of surplus food from Government storage bins with which to feed these fellow citizens of ours who already are shivering in soup lines as a result of the rapidly growing Eisenhower recession.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from Mr. John Ball, of Lebanon, Oreg., the person who sent me the pictures of the Oregon soup lines, and also the article in the International Woodworker, entitled "Oregon Democrats Seeking Emergency Legislation."

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

LEBANON, OREG., *January 28, 1954.*

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MORSE: You will find enclosed some clippings from the official paper of the International Woodworkers of America, CIO, The International Woodworker.

The attitude of the present administration seems to be that of boom and bust. * * *

The pictures which are enclosed of the soup lines in the city of Portland, Oreg., would only be found in a labor paper as the reactionary press of the State make every attempt to ignore the fact that we have a serious unemployment problem.

May I urge you to keep up the good work toward the Hells Canyon Dam issue and also urge you to examine the possibility of the Hells Canyon project as a public-works project to help relieve the unemployment situation which we have in the Pacific Northwest.

Very truly yours,

JOHN BALL.

OREGON DEMOCRATS SEEK EMERGENCY LEGISLATION

PORTLAND, OREG.—The Democratic Party of Oregon has called for a special emergency session of the Oregon Legislature, which ordinarily wouldn't meet until 1955, to deal with the critical unemployment situation in the State.

Governor Patterson's office responded quickly to the needle and requested the Oregon Development Commission meet with him to discuss setting up a subcommittee to study the situation.

The Democrats' appeal, signed by Monroe Sweetland, national committeeman; Lilian Burton, national committeewoman; Howard Morgan, chairman, and Gladys Last, vice chairman, asked Governor Patterson to call the session.

They pointed out that emergency projects could be undertaken to relieve joblessness and that thousands of Oregon workers have exhausted their unemployment-insurance benefits. They said funds and surplus foods could be authorized to help counties maintain welfare standards. They urged appeals to the United States Congress and Secretary of the Interior McKay to halt the proposed threat to raise electricity rates in

the Northwest and requested Oregon intervene in Federal hearings on the Hells Canyon situation so as to prevent piecemeal disintegration of maximum power plans for the Northwest.

Patterson turned his back on these proposals for the moment.

Mr. MURRAY. I wish to thank the Senator from Oregon for his interpolation. I was about to refer to facts which indicate a recession.

PRODUCTION HAS DECLINED

What is our domestic economic situation?

Since the Korean war peak the production of nearly every sort of goods is off. The U. S. News & World Report of December 11 showed item-by-item declines: Iron and steel production are off 11.1 percent, other metals off 11.8 percent, automobiles off 11.5 percent, lumber off 12.7 percent, machinery off 4.9 percent, textiles off 20 percent, crude petroleum off 5.3 percent, furniture off 7.6 percent, manufactured foods off 3 percent, chemicals off 3.1 percent, rubber off 12.7 percent.

Since last May, industrial production has veered especially sharply downward.

The Federal Reserve Board's revised index of industrial production released December 31 disclosed that production fell from 137 percent of the 1947–49 average in May to 130 percent in November. This is a decline of 5 percent in 6 months, equal to an annual rate of decline of 10 percent.

Let me point out that this 5-percent decline, which continued through December and is continuing today, has already exceeded the magnitude of 5 percent which we have been told constitutes a healthy readjustment.

The fall in industrial production already has been translated into reduced jobs and rising unemployment.

In December 1952 there were 61,509,000 civilian jobs. Allowing for seasonal influences, there was a further increase of 500,000 nonagricultural jobs in the first half of 1953. After midyear, a decline began. This decline accelerated with each passing month. Unemployment increased 700,000 from mid-October to mid-December. For the month of December alone, insured unemployment rose half a million. This indicates that the total rise in unemployment since mid-October may now be 1 million or more.

Not only has the half-million gain in nonagricultural jobs in the first half of 1953 been wiped out, but total civilian employment of 60,764,000 in December 1953 represented 745,000 fewer jobs than a year earlier. In the aggregate we have experienced a loss of 1,245,000 jobs since mid-1953. Perhaps as many as half a million previously employed workers have removed themselves from the labor force since midyear as the futility of obtaining a job became apparent.

THE EMPLOYED EARN LESS

These employment figures do not reveal the full extent of the drop in workers' income. Those who have not been laid off have suffered a reduction in earnings as a result of a decline in hours worked.

The workweek of production workers on factory payrolls last November fell below 40 hours for the first time in 4 years. The average workweek of 39.9 hours in mid-November was nearly 2 hours less than the average of 41.7 hours worked in December 1952. It came back slightly during December; but December 1953 average weekly earnings were still 36 cents under December 1952.

NEW WORKERS AND RISING PRODUCTIVITY DISPLACEMENTS NOT ABSORBED

The declines in jobs and hours worked, as serious as they are, do not measure the full extent of our failure to maintain full employment.

If the full employment commitment is to be honored in our country of growing population, there must be a constantly expanding number of jobs.

The Census Bureau estimates that in a prosperous peacetime economy we would have an average annual increase in the labor force of about 800,000 workers. The decline in total number of workers employed shows we have not provided jobs to absorb any such new labor force in 1953.

Additionally, we need to be providing new jobs to absorb workers who are displaced by increased productivity.

Average annual gain in output per man-hour in private industry since 1948 has been 3.3 percent. Without a comparable annual growth in demand for goods and services, we will be displacing 3.3 percent of our privately employed labor each year. Jobs have not been provided to offset these displacements, as shown by the net decline of 745,000 jobs I have already mentioned.

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

Mr. MURRAY. I yield.

Mr. HUMPHREY. I wish to commend the Senator from Montana for taking note of the continuous and constant growth of the labor force in our economy. As the Senator from Montana has pointed out, merely by the natural processes of population increase, and also as a result of the accelerated process of education in the United States, approximately 800,000 new workers are coming into the economy every year.

In particular, I commend the Senator from Montana for the philosophy of his remarks, namely, that we must not be thinking in terms of a static economy; but the whole philosophy that should grip the country is one of progress, of setting higher goals.

For example, it is now reported that the year 1953 was the most productive, the most properous year, I believe, in the history of the United States. 1952 was the most prosperous year up to that time.

Now there is in progress what is being called a readjustment. There is an argument as to whether it is a temporary readjustment, which an upswing will soon take care of. Be that as it may, the prognostication for the year 1954, which is not the most optimistic, is that there will be a mild decline in national productivity. A mild decline in productivity is much more drastic or important than it sounds, because there should not be even a mild decline in national productivity.

Do I understand that that is the sense of the Senator's remarks?

Mr. MURRAY. The Senator from Minnesota is correct. He has carried out my thought in somewhat more detail than I have it before me. I appreciate his very able assistance.

Mr. HUMPHREY. Mr. President, will the Senator yield for a further observation?

Mr. MURRAY. I yield.

Mr. HUMPHREY. About 2 days ago I made a 2- or 3-minute statement in reference to a newspaper item which had come to my attention. That item pointed out that in my State of Minnesota—and the newspaper item was applicable to conditions in other parts of the country—there had been a layoff of 1,900 employees at the Twin Cities ordnance plant, one of the large ordnance plants in the United States. The plant is operating under a prior contract. It is a federally owned installation. The Federal Cartridge Co., of Minnesota, owns the plant.

I have been given to understand that further layoffs of between 3,400 and 3,500 employees can be expected.

I was also informed that a 155 millimeter ordnance plant, which had recently been rehabilitated and modernized, would not even be opened, although a substantial number of employees had already been hired. When I say, "Not opened," I do not mean that it will not go into full production; I mean it will be cut off entirely.

Therefore, I serve notice that when the appropriation bill for the Mutual Security Administration or the Foreign Operations Administration comes before the Senate for consideration, I shall ask that the offshore procurement program be reexamined. I am certain many of my colleagues in the Senate will be keenly interested in that subject. It seems to me that our first obligation is our own labor force, our own industry, our own economy.

I examined all the evidence I could find on the subject, but I had to do so rather hurriedly; therefore, my investigation was incomplete. However, I ascertained that the United States is now contemplating negotiating offshore procurement contracts for the manufacture of .30 caliber and .50 caliber ammunition with several firms in Italy.

I am deeply interested in the Italians. I have supported the offshore-procurement program as a part of our general mutual-security efforts. But I believe that when the point is reached where we begin to see a decline in our own economy, one of the things that should be done quickly is to reevaluate the placement of orders outside the United States, particularly when such orders have been placed in the hope of checking Communist infiltration and Communist growth in some of the foreign countries. I regret to report that in Italy the strength of communism is growing, even though the United States has poured into Italy a substantial amount of money.

I have in the past supported economic, security, and mutual-aid programs, and I desire to continue to do so; but when we begin to see a slight slackening off in the economy of our own country—I hope it is only temporary; I want to

think in those terms—the least we can do is to reevaluate the policies which take jobs away from the United States.

I feel certain that the Senator from Montana will lend his support as we consider this question, because to me it is imperative that before we go to the American taxpayers and ask for additional funds for foreign aid, we should at least assure the taxpayers, producers, and workers of the United States that we shall keep in the United States Government contracts for the defense program, in order to bolster up the weak spots in our own economy.

If the Senator from Montana were to go from State to State, particularly to Illinois, Michigan, Wisconsin, and Minnesota, the States with which I am most familiar, he would find substantial layoffs of employees. Some of the layoffs are due to a reduced defense program. The American people are looking and yearning for the day of peace. In the process of converting from defense production to peacetime production, there will be temporary layoffs, but there is no sense in sending business several thousand miles away to obtain production when our own people can take care of it.

Does the Senator from Montana have any feelings about that matter? Does he intend to discuss it? Does what I have said fit into his observations?

Mr. MURRAY. Yes; during the course of my remarks I shall make some references to the matters discussed by the Senator from Minnesota. He is entirely correct. I appreciate his raising the points at this time in such a clear, vivid manner.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. MURRAY. I yield.

Mr. HUMPHREY. I am making my statement now as a sort of forewarning to the Department of Defense, the Department of State, and the Foreign Operations Administration. I think it is only fair to let them know that many Members of Congress are thinking along these lines. From private conversations I have had with some of our colleagues, I have learned that other Members of Congress, particularly Members of the Senate, are definitely thinking in this way.

So I suggest to the Administrator of the Foreign Operations Administration and the Secretary of Defense that in a reevaluation of the foreign aid program, very careful consideration be given to the offshore procurement situation, in view of the problems which confront us at home, and that as many contracts as possible be placed in the United States. It is important that as many contracts as possible be placed in this country, and particularly important is it that offshore procurement Government contracts on strategic materials and strategic designs of planes and other weapons should not be allowed to fall into unfriendly hands.

I desire to thank the Senator from Montana for giving me this opportunity to reiterate what I intend to urge in the Committee on Foreign Relations and on the floor of the Senate. I do not propose to stand idly by and see seven or eight thousand people in the State of Minnesota, whom I in part represent, pushed out of jobs, when the factory facilities are there, when the contracts have already been placed, in order to satisfy some foreign commitments in areas where we have had much trouble in trying to build up defensive strength.

Mr. MURRAY. I thank the Senator from Minnesota for the very wise observations he has made. What he has said is exactly true, and the Congress should give very careful consideration to his suggestions. I shall now proceed with my statement.

CONSTRUCTION AND HOUSING DECLINE

The construction industry, and particularly residential construction, has declined from the peak levels reached in March and April this year. Since the inauguration of the deflationary hard-money policies early in 1953, residential construction starts, at annual rates, have fallen 16 percent.

An official Government forecast made jointly by the Departments of Labor and Commerce predicts a further 7 percent decline in spending for new dwellings in 1954.

Mr. LEHMAN. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. LEHMAN. I am very glad to hear the Senator refer to the construction industry, which includes the building of homes and dwellings, because that industry is a tremendously important factor in the industrial life and prosperity of our country. I am certain the Senator knows that last year we reduced the authorization for the building of public housing units to a maximum of 20,000 units, whereas the act provided for 135,000 units, and that this year the President has recommended authorization for only 35,000 units. We are not certain, of course, that the Congress will authorize the building of even that number of units, but I assure the Senator that I shall do my very best, as a member of the Committee on Banking and Currency, to broaden the authorizations to at least the number mentioned, and I hope very many more.

I also desire to ask the Senator, because of the importance of the subject which he is discussing, whether he was on the floor yesterday when the distinguished junior Senator from Alabama [Mr. SPARKMAN] referred to the act which authorizes the granting of direct loans to veterans for the acquisition and building of homes, and to the fact that veterans in rural areas are not able to secure mortgage loans through regular mortgage and banking institutions.

That act will expire on June 30 of this year. The operations under that law have been very successful, and through that act alone the building of many homes by veterans through direct loans by the Government has been made possible.

The Senator from Alabama has introduced a bill extending the act for another year, and increasing the amount which will be available for lending from $25 million a quarter to $50 million a quarter. I think there is nothing more important than making such funds available, because we know—and I speak now from my experience as a member of the Committee on Banking and Currency—that last year many, many people came from all over the country and testified that while mortgage loans were obtainable in large population centers like New York, Philadelphia, Baltimore, New Orleans, and San Francisco, where mortgage money is available, there was absolutely no way a veteran could obtain a direct loan or a mortage loan of any kind in the small towns, which have no mortgage money available under any circumstances.

Such testimony made a deep impression on me, and I fought at that time for a larger amount. I shall certainly back up the efforts of the Senator from Alabama and the distinguished Senator from Montana to obtain the passage of the bill to which I have referred.

Mr. MURRAY. I certainly agree with the Senator from New York. It does seem to me, on the basis of the conditions which the Senator has described, that it would be impossible for anybody not to realize the importance of extending the act.

Mr. LEHMAN. It is very important. Although I know the Senator from Montana is familiar with the matter, I should like to state that such lending operations have not cost the Government one cent.

Mr. MURRAY. The Senator is correct.

Mr. LEHMAN. In the past several years there has been a default in such mortgages of only one-tenth of 1 percent, and that did not mean a loss to the Government, because the forced sale of the houses resulted in as much money being recovered as was loaned on such houses.

Mr. MURRAY. That is correct.

Mr. LEHMAN. Actually it was a profitable venture for the Government. I think it was too profitable, because the Government was able to borrow money at an interest rate of 1⅞ percent and 2 percent and lend mortgage money to veterans at an interest rate of 4 percent and 4½ percent. Actually, it was a profitable venture. I think that by providing such funds we can help maintain the prosperity of the country.

Mr. MURRAY. The Senator is exactly correct in the statement he has made, and he has made a very persuasive argument. I believe the reasons set forth by the Senator would justify everyone's recognizing the need to continue to carry out the program he has been discussing.

AUTO PRODUCTION MAY FALL AS MUCH AS 40 PERCENT

The financial publications are daily reporting layoffs in the auto industry, an industry which accounts for 10 percent of total industrial production. It is a major consumer of steel, copper, glass, rubber, and textiles. In the second quarter of 1953, production in this vital industry was running at an annual rate of 6.8 million cars. The December level was down to 6 million cars annually. Various estimates I have seen indicate a 5-million car production this year. The Chicago Federal Reserve Bank last June estimated that by the second quarter this year the annual rate of automobile production might be down to 4.2 million

cars annually. This would mean a year-to-year reduction of 40 percent.

THE FARM RECESSION WORSENS

Farmers are in the midst of a serious recession and it is worsening.

The net income of farmers fell $1 billion between 1952 and 1953, from $13.5 billions to $12.5 billions, according to reports of the Department of Agriculture.

The Department's official forecast is that there will be a slight worsening in 1954.

This prediction appears to be on the optimistic side when compared with trend statistics contained in the December issue of Economic Indicators, supplied by the Council of Economic Advisers.

The Council has submitted to us the Department of Commerce estimates of income from current production of various groups. They show that the trend of farm proprietors' income is sharply down. During the first three quarters of 1953, the trend was down $2 billion, at annual rates. By the end of the third quarter of 1953, the downward trend was at the rate of $3.6 billions annually, as compared to the situation in the same quarter a year earlier. There was some improvement in the fourth quarter.

The Commerce figures reflect net change in inventory value, which is not included in Department of Agriculture farm-income statistics. This inclusion, plus the fact that there were heavy cattle liquidations during 1953, might cause some exaggeration of the trend in the Commerce figures; but even if they are adjusted, the deepening of the farm recession is clearly indicated.

SMALL BUSINESS INCOMES DOWN IN 3D QUARTER, FAILURES UP IN 4TH QUARTER

Unincorporated business and professional incomes, excluding incomes of farm proprietors, were rising slightly in 1952, and continued up, from a rate of $26.7 billions at the end of the year, to $27 billions by mid-1953. A turn came in the third quarter of last year, when these incomes dropped to $26.9 billions. In the fourth quarter, both the number of business failures and the amount of liabilities rose sharply, indicating a further drop in the income of this segment of our economy.

Business failures in the fourth quarter of 1953 totaled 2,538, as compared with 2,110 business bankruptcies in the preceding quarter—an increase of 428. The increase was even more striking when compared to the figures for the year before. In the month of December, 1953, business bankruptcies were up 375, or 66 percent above those in December, 1952. Liabilities involved in 1953 were $400 millions, as compared to $283 millions during 1952.

Mr. President, I have reviewed the official Government figures on production, employment, earnings, productivity, the construction and housing industry, auto production, the farm recession, and small business.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield to me?

The PRESIDING OFFICER (Mr. COOPER in the chair). Does the Senator from Montana yield to the Senator from Arizona?

Mr. MURRAY. I yield.

Mr. GOLDWATER. Before the Senator from Montana continues with his interesting discussion, I believe we should seriously consider the remarks which already have been made.

I desire to call particular attention, if I may do so, to the figures which have been quoted.

The figures the Senator from Montana has been using, indicating an adjustment in our economy, are based entirely upon the cessation of war. I dislike to think that the American people will accept war as a means of obtaining prosperity.

When we look back to 1939, we find that then there were 9.4 million unemployed in the United States. Then war came, and the unemployment figure dropped to a very low rate.

The war ended in 1945. In 1947, on a monthly average, 2.1 million were unemployed in the United States. In June 1950 we went to war in Korea. In that month there were 3.3 million unemployed in the United States.

From that time until the end of the Korean war, the unemployment situation in the United States was remarkably good; the number of unemployed was at a very low figure. All that indicates that war was the great reason at that time for high employment.

I dislike to think that we have to resort to war in order to solve our economic problems, as related to employment. I do not think we do. I think we shall work out of the situation with private enterprise to the point where we can maintain full employment.

I should like to discuss for a moment the farm situation, for there we find exactly the same condition. The farmers are now in a position similar to the one they were in during the early part of 1949, and extending to the middle of 1950. At that time the farmers were losing money. Then came war, accompanied by a great demand for our agricultural surpluses. During the war period, until approximately April of 1952, the farmers enjoyed a high degree of prosperity.

Then came a period of relatively low prosperity, and then a few months of increased prosperity.

When the end of the Korean war came, the demand for the products of the farms decreased, and the farmers' incomes started to decline. The high-parity situation also had something to do with this result.

My point is, do we need to have a war in order to enable the United States to maintain prosperity? I do not believe the American people think so.

Mr. MURRAY. I am not advocating prosperity based on a war economy.

Mr. GOLDWATER. I know the distinguished Senator from Montana is not advocating war, but I could not let this opportunity pass without commenting on the fact that the figures he has used have grown out of the cessation of a war, and that we are going into a period almost identical to the one we were in during 1945.

The only difference is—as I hope, being on this side of the aisle; and I know the Senator from Montana agrees with me—that we can come out of this situation by natural means, not by unnatural means.

Mr. MURRAY. But the trouble is that we have to provide a growing economy. That was the trouble in the 1929 collapse. At that time the country saw unemployment develop along with low wages. At that time the farmers received almost nothing for the products of their farms. As a result, we had a depression.

In the present situation, it seems to me that big business is neglecting its obligations. Big business has not lowered the prices of its products, and has not done anything to stimulate growth in our economy. Big business has an obligation to meet.

I remember reading in Fortune magazine an article about the cause of the depression which began in 1929. The article pointed out that business had an obligation to the country to provide an economy which would give employment to the workers of the Nation; and that if big busines did not do so, it was not measuring up to its obligation. In addition to making money for itself, big business owed the Nation the duty of providing an economy which would operate in such a fashion that there would be employment.

Mr. GOLDWATER. Mr. President, if the Senator from Montana will yield further, let me suggest that the real cause of the continuation of the 1929 depression was not economic, but was psychological. That is what we have to be careful of, in the discussion of any figures indicating an adjustment.

That depression was caused by an overextention of credit, and it was continued by the depression attitude of the people. In fact, it got out of hand.

Mr. MURRAY. It was brought about by the wrong policies of big business and finance in that period. They failed to provide an economy which would give jobs to enough men. Labor was oppressed; it had no purchasing power, and when men were able to obtain jobs during that period, their wages did not provide them sufficient purchasing power; all they had was merely enough to live on.

Mr. GOLDWATER. Let me suggest to the Senator from Montana that the free-enterprise system depends upon the operation of the incentive system. If prices are reduced to a point where there is no profit, there are no jobs, and thus no wages.

I should like to suggest, further, that the end result of the American economy is that prices are constantly being lowered. If we discount the "thick cream" of taxes from the prices of the items we buy today, and also discount inflation, we find that in most cases the prices of the things we buy are lower than they have ever been. High production, and only high production, makes that possible. There is no way for the Government to do it.

Mr. MURRAY. I do not agree with the Senator. I expect to discuss that point a little later in the course of my remarks.

Mr. MORSE. Mr. President, will the Senator from Montana yield to me?

Mr. MURRAY. I yield.

Mr. MORSE. I am very much interested in the comments of my good friend, the Senator from Arizona [Mr. GOLDWATER] but he lost me between his statement of cause and his statement of effect. So I should like to ask the Senator from Montana a few questions.

Of course, Mr. President, the Senator from Montana has made clear that he is not suggesting that our great capitalistic system is dependent upon war, in order to maintain prosperity. That is true, is it not? Is it not correct that he is not contending or suggesting that our capitalistic system is dependent upon war, in order to maintain prosperity?

Mr. MURRAY. I certainly am not making a plea for a war economy in this country; just the opposite.

Mr. MORSE. Am I correct in my understanding that one of the points the Senator from Montana is trying to bring out is that there is no justification for the spokesmen for this administration trying to alibi and rationalize the rising tide of unemployment at the present time, on the basis of the argument that we must expect such a thing when we move from war into a peacetime economy? The Senator does not accept that alibi, does he?

Mr. MURRAY. I think that is a fallacious alibi.

Mr. MORSE. Am I correct in my assumption that what the Senator from Montana is trying to point out is that when we move from an economy which existed during a war period, and which required for the successful prosecution of the war the production of many nonconsumption goods, it becomes the obligation of our Government to take, in advance of unemployment, the steps which are necessary in order to carry out the spirit and intent of the Full Employment Act of 1946, for which the Senator from Montana, the Senator from Minnesota, and the Senator from Oregon fought so hard on the floor of the Senate?

Mr. MURRAY. The Senator from Oregon is exactly correct.

Mr. MORSE. Does the Senator recall the debate on the Full Employment Act of 1946, when we pointed out in speech after speech on the floor of the Senate that we should get ready for a transition between a hot war and a return to a peacetime economy, by having the blueprints ready—I recall the language very distinctly—so that the Government would use all the resources it possessed, if necessary, to prevent unemployment? Does the Senator recall that debate?

Mr. MURRAY. I recall it very vividly. I recall that big business, including the National Association of Manufacturers and the chambers of commerce, opposed the passage of that law at the time. They charged that the Full Employment Act of 1946, which undertook to establish the Council of Economic Advisers, was taken out of the constitution of the Soviet Republic. I recall that argument being made on the floor at the time. However, the law was passed. Walter Lippmann says that it was one of the most important pieces of legislation enacted in the United States in the past half century. I think he is not extreme in making that statement. I think it is a very correct statement.

Mr. MORSE. Does the Senator from Montana agree with me that the strength of enlightened capitalism is to be found in its power to grow and expand into what we call a growing and expanding economy?

Mr. MURRAY. That is correct.

Mr. MORSE. Does the Senator from Montana agree with me that if we are to have an expanding economy through a capitalistic system which will meet the economic troubles which are beginning to rear their ugly heads these days, we need, for example, to build such wealth-creating projects as Hells Canyon Dam; we need to build across the country such wealth-creating projects as a network of super-highways, which highway experts tell us will help to reduce the tremendous loss of life on our highways, which amounted to more than 30,000 lives lost last year? Does the Senator agree with me that we need to build great public works projects which will give to the school children of America in 1954, 1955, 1956, and the years immediately ahead, better school facilities than they had in 1920, in view of the fact that the educational experts now tell us that the American school population today has poorer facilities than existed in this country in 1920? Does the Senator from Montana agree with me that vision and foresight call upon this administration to come forward with blueprints and start building that kind of employment-creating facilities immediately?

Mr. MURRAY. The Senator is absolutely correct.

Big business is planning and acting boldly, but not to end the recession, not to turn the tide of income from the wealthy and the big corporate treasuries into consumer expenditures by the masses.

Mr. MORSE. Mr. President, will the Senator yield for one further question, which will be my last?

Mr. MURRAY. I yield.

Mr. MORSE. Does the Senator agree with me that the kind of employment-creating economic program for which the liberals are now fighting in the United States Senate is an economic program of public works which will start giving encouragement to construction industry, encouragement to those groups in our economy that today are suffering from unemployment, and that therefore it is the liberals in the Congress of the United States these days who are really fighting for an expanding, enlightened capitalism?

Mr. MURRAY. I agree with the Senator from Oregon. I think his remarks are in point, and I thank him for his interruptions.

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

Mr. MURRAY. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I have listened with keen interest to the colloquy between the Senator from Montana and the Senator from Arizona [Mr. GOLDWATER] and the Senator from Oregon [Mr. MORSE]. I know that it is of little avail to argue history. What we really ought to be interested in is today, and tomorrow. We receive only a certain amount of educational and cultural delight from talking about the yesterdays. However, occasionally it is a good thing to keep history accurate, and not let history be rewritten. I made this statement on a previous occasion on the floor of the Senate, when, as I recall, some effort was being made to rewrite certain political history.

I listened to the Senator from Arizona [Mr. GOLDWATER] say that the break in 1929 was primarily psychological.

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

Mr. MURRAY. I yield.

Mr. GOLDWATER. Let us correct that statement. I said that the break was due to expanded credit. I said that the extension was psychological.

Mr. HUMPHREY. I accept the Senator's modification or correction. I understood the Senator to say that there was a psychological development which lent itself to that particular situation. Then he went on to say that extended credit or expanded credit resulted in much of the collapse. I should like to have the Senator from Arizona restate his position. I do not wish to misinterpret him. I have great admiration for him.

Mr. GOLDWATER. The statement I made was that the depression of 1929 was caused by extended credit. It was lengthened, until the war of 1941, by psychological factors, which no economist could control or foretell. Such factors are entering into the situation today. The figures which the distinguished Senator from Montana is using can be used as he is using them; but the fear which is engendered by such figures is the result of misinterpretation of them. That is the thing of which I am personally afraid. I am not afraid of the American economy. I am not afraid of this administration's ability and willingness, plus the willingness of the entire Senate, to meet any challenge, but I am afraid of the American mind if these figures continue to go out without some explanation being offered.

Mr. MURRAY. Does the Senator take the position that low wages and low purchasing power on the farms had nothing to do with the depression?

Mr. GOLDWATER. Is the Senator referring to the depression of 1929?

Mr. MURRAY. Yes; the depression of 1929.

Mr. GOLDWATER. The break started in May. The Senator will find from looking at the records that in the middle of October everything was very high.

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

Mr. MURRAY. I yield.

Mr. HUMPHREY. I think this is one of the most interesting periods in American economic history. The truth is that Mr. Hoover inherited a bundle of trouble in 1929, which had been building up until that time. The fact that he did not do much to correct it is another matter. However, he was the great inheritor of the mismanagement of the preceding 9 or 10 years.

Actually, the first break in the American economy after World War I took place between 1920 and 1922, when there were more bankruptcies than in any other comparable period in American history.

The next trouble period was in late 1925, 1926, and 1927, when bank after bank closed its doors, and millions of dollars of savings were lost. In my own State of Minnesota two-thirds of our banks closed their doors, and by 1928 three-fourth of them had closed their doors.

The truth is that America's economy was rotten and weak at the base. What we saw was the glittering gold of the stock market at the top; but the base was bad. That is why the whole house came tumbling down.

The second truth is that there were no built-in antidepression measures on the books. I notice the administration now is saying that if things get out of hand it will go to work on the situation. Every day we are being reminded that if there is any major recession we should not worry, because the administration is prepared to stop it. It is prepared to stop it with what?

Mr. President, I will tell you with what. It is prepared to stop it with social security. How did social security get on the statute books? It was at first condemned as being collectivism, regimentation, slightly communistic, and on the pink side; it was not too red, but at least had a slight red coloration.

What other antidepression measures will the administration rely on? The Unemployment Compensation Act. Who put that act on the statute books? It was not put on the statute books by people who were talking about prosperity being just around the corner in the eternal economic roundhouse in which there were no corners. Let us take a look at some of the other built-in antidepression measures. Let us take the Federal Reserve System, for example.

We ought to make the record as clear as we can, in the next few moments.

The first point I make is that we had serious bankruptcies during 1921 and 1922 which were almost unprecedented. That was not a psychological dream; it was miserably factual. The second point is that we had a series of bank failures throughout the country.

Surely that was the beginning of the collapse of our economic structure in terms of finance and credit.

As the distinguished Senator from Arizona [Mr. GOLDWATER] has stated, we had an expansion of credit far beyond what the economic base of the country could possibly maintain.

In addition, there were some other factors which confronted our country. For example, home construction dwindled. Of course, at one time, in 1926, it was at a rather high point, but it dwindled rapidly. So did commercial construction.

The whole organized labor movement was practically destroyed. During this entire period there was little or no unionization. Real wages, as compared with money wages, went down. I do not need to remind my colleagues that the American economy became increasingly depressed, starting in 1920, with a mortgage indebtedness of less than $2 billion, and ending in 1930 with a mortgage indebtedness of $11 billion.

Those are not psychological points; those are solid economic facts. The collapse of the stock market in October 1929 was being predicted by economists throughout the country for nearly a year because the base and the underpinning of our economy had become corroded and weak and fictitious.

The Full Employment Act took all of that into consideration, it recognized all those happenings. We have started out now in our country to build more firmly. As a result, I believe we have a much stronger economy today.

I agree with the Senator from Arizona that there is much in our economy which should give us a feeling of optimism, and a sense of real security. However, there is one danger point, and we must do something about it rather quickly, and take for the most part private measures to avert it, because the Government cannot do it all itself and we must rely on private measures. If we do not take quick measures, the situation is apt to unravel very quickly, because we live in a very highly volatile economy. I refer to the point to which the Senator from Montana is directing his attention.

Of course, I do not want to be a prophet of doom. I know that those of us who have talked about unemployment and a break in the economy are called prophets of doom. But, Mr. President, if one has a toothache and it hurts him he should say he has an ache, or if he has a backache he should admit that he has a backache.

That is what we ought to be doing, and that is what we ought to be hearing. The Senator from Montana has been doing something about it. For example, he is the author of the Full Employment Act of 1946, if I recall the history of the Senate correctly.

Mr. MURRAY. That is correct.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield so that I may make one observation in reply to the Senator from Minnesota?

Mr. MURRAY. I yield.

Mr. GOLDWATER. I have the greatest respect for the Senator from Minnesota, whom I almost call "neighbor," because he visits my State so often. My good friend from Minnesota stated that economists forecast the depression of 1929 for nearly a year. I should like to invite the attention of my colleagues to the fact that the columnists have been predicting a depression in this country since the end of World War II. What I do not want to see happen—and I know the Senator from Minnesota and the Senator from Montana share my feeling——

Mr. MURRAY. We do not share the feeling; we are telling the facts.

Mr. GOLDWATER. I know the Senator shares my feeling with respect to what I am saying now, namely, that we do not want to add to a depression or a recession any contributory factors which are not normal, or which we cannot correct before they have effect.

Mr. HUMPHREY. Mr. President, I wish to reiterate that I believe we are in a much better condition than even some of us give credit for, not only with respect to the basic strength of our economy, but in many other ways.

Let us look at American agriculture. Even with depressed prices, the soil of our American farms is far better than ever before because of sound soil conservation practices. Most of our farm machinery is modern, or at least a reasonably good part of it is modern, because of the price-support program, to which the Senator from Montana is now directing his attention.

Mr. President, I was referring to antidepression devices. We can think of such devices as the public works program, the Full Employment Act, the Council of Economic Advisers, and the Federal Reserve System. We have on the books programs like the Federal Aid to School Construction Act. At least it is in its embryonic stage, but it is ready to be used, and it could be expanded almost overnight. We have social security, old age insurance, unemployment insurance, and survivors' and old-age insurance.

Many such devices are available as a result of 20 years of good government under Democratic administrations. Those devices have been built into our economy. Those are the very things which this administration relies upon now.

The interesting thing to me is that, after his party has been out of office for 20 years, the President delivers to the Congress a great state of the Union message. I have complimented him on it. It is a good message. I intend to compliment the President every time I believe he sends to the Congress a good message. I liked his social-security message. I liked his health message. I think he has been sending us some very good messages.

It is interesting to note, however, that after 20 years of being told how bad some of the New Deal measures have been, he does not ask that even one of them be repealed. In fact, Mr. President, he out-New Dealed the New Deal. For example, let us look at social security. Let us look at some of the other programs, such as the housing program. Last year Congress provided for only 25,000 housing units. The President this year recommends 35,000 housing units. I am not unhappy. I raise my voice in a sort of political hallelujah. I see my good friend from Tennessee on his feet. I am sure we will hear some very penetrating, thought-provoking statements by him.

Mr. GORE. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. GORE. Mr. President, I appreciate the remark of the distinguished Senator from Minnesota. However, instead of rising to attempt to give utterance to a penetrating thought, I rise to inquire of him if he had noticed, along with the fine messages to which he has made reference, namely, the President's messages on health, vocational rehabilitation, and hospital construction, that the budget did not compare at all with those messages. We have had some very fine messages, but Secretary Hum-

phrey—may I inquire whether Secretary Humphrey is any relation to the distinguished Senator from Minnesota?

Mr. HUMPHREY. I may say to the Senator that I am sure that I can see no kinship in terms of political spirit. I hope we may have some kinship in terms of fellowship.

Mr. GORE. Secretary Humphrey and Mr. Dodge seem either not to have read the high-sounding messages or to have embarked upon a deliberate design to undercut those fine messages.

Mr. HUMPHREY. Mr. President, will the Senator from Montana further yield at this point?

Mr. MURRAY. I yield.

Mr. HUMPHREY. I wonder if the Senator from Tennessee has thought about the big print and the fine print in an insurance policy. An insurance policy seems to offer great benefits. If one stubs his toe he receives benefits that will carry him on for weeks to come. That is what we call the bold print. But the insurance company says, "Read the fine print." The average American citizen does not read the budget. We read that we need to build diagnostic centers, great clinics, nursing homes, homes for the chronically ill, and we say, "What a wonderful message." And then we find out that only $50 million are allotted for those purposes. I am afraid the chronically ill will not get very much coverage under that program.

Mr. GORE. Just how does that square with the policy of being liberal with humans and conservative with material things? How can we have more hospitalization and better programs of social security while withholding the material things that make them possible? How does the Senator from Minnesota rationalize that kind of policy? He inquired of me if it had occurred to me that it is something like the big print and the fine print in an insurance policy. I will answer that it has. I now inquire of him if it appears to be something like working both sides of the street.

Mr. HUMPHREY. That may be an apt analogy. The junior Senator from Minnesota did not say it, but he is willing to accept it in the context of the debate. We have been told that the Eisenhower program is a humanitarian and a liberal program, and I think I would agree that in the main the pronouncement of the program is so. So say the columnists, the news commentators, and radio commentators. But then comes in that famous word, the greatest word in the American and English language—"but." It is sound in its conservative economics, but the trouble with the program is that it is somehow short of political hemaglobin; in other words, the economic plasma, the dollar is a little short. People love to hear the liberal philosophy. A political party cannot remain long in power in America unless it recognizes human needs. I say, in all sincerity, that I believe the President does see the human needs, but, as the Senator from Tennessee points out so well, there happens to be a Bureau of the Budget, and there happens to be a Secretary of the Treasury, both of whom are noted, eminent, and competent men, and when they get the budget all added up they cannot quite make the figures meet the hopes. In other words, the cold cash does not quite meet the warm heart. I think we may call it a social or political lag. We have a warm heart and a friendly program, and over here we have the cold cash and a limited program.

Mr. GORE. What the Senator is saying is that the messages are fine, but then come the budget and the tax bill.

Mr. HUMPHREY. The spirit is strong, but the flesh is weak.

Mr. MURRAY. Mr. President, I desire to thank Senators for the contribution they are making. I think they have made a very thorough explanation of the reason why conditions are as they are today.

WILL THE ECONOMY ADJUST ITSELF?

Call it what you will, all these figures show that we are now in a recession and immediate steps must be taken to reverse the trend and start this Nation back on the road mapped by the Employment Act.

In the state of the Union message, the President indicated major reliance on "a business community willing, as ours is, to plan boldly and with confidence" to create "a climate assuring a steady economic growth."

The record of big, monopolistic industrial, and business interests is to the contrary. The record shows that, in the depression of the 1930's, the dominant business and industrial interests failed to cooperate with the administration programs. They raised prices and began skimming the cream off the Government spending, thus bringing on a recession in 1937. The record today discloses that big business is following precisely the same sort of shortsighted policy now as then: price maintenance, widening of processing and distribution margins, and even price rises in the face of recession.

Over 15 years ago, on June 16, 1938, I made a national broadcast, reporting on findings of the Special Senate Committee on Unemployment and Relief. It is pertinent to recall what I said then because in many respects that situation parallels our situation today. I told the Nation:

> We have learned that returning prosperity last summer was completely upset because of certain monopolistic activities and certain mistaken monetary policies. In 1936 and 1937 prosperity was rapidly returning, but the great monopoly-controlled industries of the country had suddenly advanced prices and had undertaken to rake in the lion's share of the steadily increasing prosperity of the country. Authoritative statistics show that many of these monopolistic corporations made more profits in 1937 than they did in 1929, which was the highest period of American industrial prosperity.
>
> Such a record of profiteering, of course, cannot be justified. It was accomplished by means of unfair price advances which enabled them to skim the cream off the prosperity which had been induced by Government spending. It counteracted all our recovery efforts and started the country on a downward spiral of recession. Economists point out that these unbalanced, monopolistic prices interfere with the smooth operation of our economic system and that something must be done to prevent such practices if we are to have real recovery.

Continuing in that broadcast, I pointed out that unwise banker control of monetary policy had contributed to that recession through the tightening of credit—a hard-money policy. The representatives of industry were at that time demanding repeal of the capital-gains tax and the undistributed-profits tax, and I cautioned strongly against following such advice.

It will interest the Senate, I believe, to note that among the witnesses quoted at the time was Robert W. Irwin, a furniture manufacturer at Grand Rapids, Mich., who testified that the recession had been brought on by maintenance of artificial prices. Another was Prof. Alvin Hansen, of Harvard. A third was Dr. Paul H. Douglas of the University of Chicago, now the truly distinguished Senator from Illinois, who testified that monopoly price fixing was clearly shown to be a major cause of the then-existing recession as well as the depression which started in 1929.

HARD MONEY AND HIGHER PRICES

Early in 1953, the new administration initiated a hard-money policy deliberately designed to bring on a deflation. Instead of recognizing the need for steady national growth, there was a deliberate policy of halting growth, of "taking the bubble off the boom," or, as a more recent apologist for the recession put it, "ending the overtime economy."

Then, in the summer of 1953, the giant monopoly-controlled industries, particularly the steel, aluminum, electrical, and petroleum industries, suddenly advanced their prices, just as happened in 1936–37, in an effort to grab while the getting was good.

They acted boldly and with confidence—just as described in the recent message of the President—when it came to grabbing profits, but they acted without the economic welfare of the Nation in mind.

A leading, nationally syndicated newsletter, Report for the Business Executive, stated on June 25, 1953:

> It was a case of now or never for most of the businesses that raised their prices.
>
> In steel, for example, any decline in operation this year would kill any chance of increasing charges; so producers seized the occasion of wage boosts to announce long-planned raises and give themselves room to make price concessions later.
>
> In petroleum * * * producers sought to widen margins.
>
> In appliances, manufacturers are trying to recoup higher costs wherever an item is in brisk demand.

Here are some of the price increases that took place:

In April, steel producers increased "extras" on steel products.

Early in May, base prices on steel rails were raised from $4 to $15 per ton. In June, base prices on steel products were raised 4 percent.

Crude petroleum prices were raised 10 percent.

Following the steel price increase in mid-June the Bureau of Labor Statistics reported July 10, 1953:

> Numerous retail price increases, some of them small but others ranging up to 20 per cent were made by manufacturers of electrical and other household appliances. These advances, mostly by major manufacturers, cover a wide variety of household appliances, including electrical and gas ranges,

ironers, dishwashers, carpet sweepers, baby bottle sterilizers, food mixers, electrical clocks, and window frames.

In the next few weeks the Bureau reported additional price increases. Electrical refrigerators went up 3 percent to 5 percent, pressure cookers were raised 4 percent to 5 percent more, and television sets were boosted 3 percent to 11 percent.

PRODUCTION DOWN, PRICES UP

Between May 1953 and January 1954, the steel industry has reduced its operating rate from 100.1 percent of capacity down to 75 percent of capacity—a drop of one-fourth. But the price of steel mill products remains unchanged at a level approximately 9 percent higher than a year before.

In the food industries, the middlemen's margins have been widened from 46 percent of the food dollar to 56 percent—an increase of more than 20 percent in margins.

The big-business men are getting theirs while the getting is good precisely as they did in 1936 and 1937.

There were those who hoped after the depression of the early thirties that monopolists would see the folly of pricing the Nation into a recession. Those hopes were blasted in 1936. The recent price increases in face of an expected decline in sales is only another classic demonstration of greedy, monopoly-pricing accelerating recession.

CORPORATE PROFITS ALREADY HIGH

The profits of the largest corporations had already been raised substantially prior to their last ditch round of price increases.

Data released by the Federal Trade Commission and the Securities and Exchange Commission show that during the year ended June 30, 1953, manufacturing corporations with assets of $100 million and over had increased their profit margins per dollar of sales from 11.6 cents to 12.9 cents, a rise of over 11 percent during the year.

For all manufacturing industries, profits per dollar of sales rose from 9.2 percent in the second quarter of 1952 to 10.4 percent a year later. Rate of return on stockholders' equity before taxes rose from 22 to 26.4 percent in the same period. The largest of these gains were by corporations with $100 million or more in assets. Those under $5 million assets showed no appreciable gain.

The rate of profit on stockholders' equity in all manufacturing corporations had already risen from the second quarter of 1952 to the second quarter of 1953—after taxes—from 10 percent to 11.2 percent, a rise of 12 percent in the profit rate.

The annual rate of profit after taxes on stockholder equity in the steel industry rose from 5.5 percent in the second quarter of 1952 to 11.4 percent in the second quarter of 1953—an increase of more than 100 percent in the rate of return in 1 year. The profit margins per dollar of steel sales rose from 4.3 cents to 14.8 cents, or more than 300 percent in the same period.

Total national personal interest income and dividends have risen from an annual rate of $21.5 billion in December 1952, to $22.8 billion in October 1953. Figures are not yet available through December 1953, but extras and increases on regular dividend rates were widespread during the month.

Corporate profits before taxes increased from a level of $40 billion annually at the end of 1952 to a rate of $46 billion annually by the third quarter of 1953.

It is evidence of sheer economic illiteracy to look to the big corporations of this country by themselves to either plan or to act boldly to stem a depression.

Big business is planning and acting boldly; but not to end the recession, not to turn the tide of income from the wealthy and the big corporate treasuries into the hands of the masses of consumer spenders, and thus stimulate demand and production. The bold planning and actions of big business interests is to keep the excess profits tax from being reenacted, to reduce the corporation tax levy, to tighten Taft-Hartley in order to hold down labor's wages, to shift taxes to sales—to get more and more and more concessions which will increase their gains but will also deepen and not relieve the recession.

WILL THE ADMINISTRATION ACT?

It is apparent that we cannot look to the administration for leadership or action that will reverse the present economic trend. It is too heavily weighted on the side of big business to act impartially.

I have referred previously to the philosophical attitude of the President's advisers who say that Government action should be undertaken only to prevent undue disaster. The undue disaster level first mentioned by Secretary of Agriculture Benson now appears, according to the deputy to the Secretary of Treasury, Mr. Burgess, to be somewhere below a 25 to 30 percent decline in the economy.

I have discussed the expressed faith of the Chief Executive, which I very much fear will prove unjustified, however well-intentioned, that big business will do what it should to develop a climate assuring steady economic growth.

Now, let us examine for a moment the record of the administration itself and what has been proposed in the state of the Union message.

The very first project which the new administration undertook in January 1953—without benefit of advice from the appropriate congressional committees or even a study group or an advisory board—was the disastrous boosting of interest rates and tightening of credit, wholly engineered by Mr. Burgess.

The whole concept of this policy was regressive, to take money away from the mass of interest payers and to increase the income of interest collectors; to reduce purchasing power and thereby "take the bubble off the boom"—a bubble and a boom which, if they ever existed, were by April no more than corpses being kept warm to divert attention from the real purpose of hiking the hire of money for the benefit of a few big banks and insurance companies.

That deflationary policy has helped no one but the money lenders and they are even now learning that the resulting decline in business activity and business loans may make it costly over the long run. But now, with unemployment rising, take-home pay dwindling, farmers' incomes a billion dollars below 1952 levels, and production levels off 5 percent in 6 months, the big banks are enjoying the highest profit levels in history. This, despite the fact that loans to business, the chief source of bank income, declined in 1953.

National City Bank of New York, which supplied the present deputy to the Secretary of the Treasury, Mr. Burgess, to this administration, enjoyed an increase in interest income from private and Government securities of $6 millions, and an increase of income from business loans of $10.2 millions. Net profits after taxes jumped $2.5 million, or more than 9 percent. Dividends paid to stockholders were increased by $850,000 in 1953.

It is extremely interesting that interest, rental income, and corporate profits, benefiting from the new administration's policies, have risen nearly $7 billion during 1953, or almost twice as much as wages and salaries, net farm income, and unincorporated nonfarm business and professional incomes.

More important, these latter items are currently declining while profits, dividends, interest, and rents continue to go up. Beginning in August 1953, payrolls in durable-goods manufacturing began to decline. This became more marked in September and spread to nearly all manufacturing. By November wage and salary receipts had fallen $2.9 billions below the August annual rate.

Administration policy has diverted income from mass consumer groups, to higher-income groups numerically much smaller; from spenders to nonspenders, starting off the recession now causing grave concern to the American people.

TAX RELIEF AT THE TOP

The specific proposals in the President's recent state of the Union message would largely further accelerate shift of income from low income to higher income groups.

The President's proposal of accelerated depreciation for modernization of plant and equipment, and to permit treatment of research and development outlays, as expense instead of capital outlay, will benefit primarily only the largest corporations.

These companies need tax relief the least. Current annual provision for depreciation of plant and equipment, depletion, and so forth, is close to $30 billions. In addition, corporations are setting aside $11 billions annually out of after-tax profits. That totals $41 billions available for replacement, modernization, research, and expansion. As against this amount, the Machinery and Allied Products Institute reports that actual annual replacement of plant and equipment amounts to only $14.3 billions.

Business is already faced with the problem of maintaining new private investment high enough to absorb current excess of replacement and depletion reserves and undistributed profits amounting to nearly $27 billions. The effect of the President's new tax-give-

away proposal will be to encourage the writing off of the initial cost of new investment even more rapidly than now. This will increase the rate of business saving, thereby diminishing the income available for the already weakened level of consumer demand.

This is one sure road to depression, and a roadblock to economic recovery.

The state of the Union message proposes to permit the 10-percent reduction in personal income taxes long ago enacted but delayed by this Congress. The economic benefit of this cut is now reduced by the necessary increase of ½ percent in the social-security levy, a levy which should not be delayed. The propagandists attack the old-age security plan back home charging that the reserves are depleted. Here in Washington they oppose the increased contribution to make it completely sound. Their scheme, of course, is to engineer a deficit in the social-security reserves to discredit the program.

The state of the Union message likewise said nothing about the effect of failure to renew the excess-profits tax.

In 1947, the Senate Committee on Labor and Public Welfare, of which the late Senator Robert Taft was chairman, reported, as follows:

> Undoubtedly the most important influence in sharply increasing net profits of corporations and in reducing the losses of others was the elimination of the excess-profits tax in 1946, along with the reduction in the corporate income tax * * *. The sweeping tax reductions on corporate business were largely turned into net profits.

In view of the findings of Senator Taft's own study, reenactment of the excess profits tax as well as maintaining present corporation tax rates, would be the wise course in the present economic emergency.

In the field of agriculture, the farmers' worst fears were confirmed by the State of the Union message and the subsequent special message. The administration, despite its golden promises to the American farmer, is for flexible, sliding scale farm price supports. Although this segment of our economy is the most seriously hurt thus far, only a sedative has been offered it. Only the assurance that it will be bled white gradually, not abruptly.

The administration has now submitted its chief economic documents outlining their evaluation of the economic situation and their proposals, the economic report and message. These proposals afford little encouragement to the more than 2 million Americans who are now unemployed. The administration tells the unemployed that if they wait until midyear, the decline in business may stop. They do not even offer them the prospects of regaining their jobs. They only hope that the decline will stop, and they are not even sure of that.

Fancy phrases such as inventory recession do not put food into the mouths of laid-off workers, or reassure those who expect to be furloughed or separated. When businessmen cut inventories they do so for lack of customers. And if there are not sufficient customers to absorb what the existing factory capacity produces, at present prices, there is no reason to believe that businessmen will continue to keep expanding their capacity. In short there is no basis for considering the decline we have experienced and are continuing to experience as anything different than other slumps, namely, the inability of the people to buy what the factories are turning out at monopoly-managed prices.

The President's Economic Report points to unemployment insurance as the first line of defense against a depression. Yet we all know that when a worker's paycheck is cut from $85 a week to $25 a week there is a sharp cut in his buying power. Multiply this by 2 million or more unemployed, some of whom get unemployment benefits for only a few weeks, and we see a terrific drop in buying power.

This leads me to the budget that the President has proposed. This budget is a deflationary budget. For fiscal 1955 it proposes a reduction in Government expenditures of $4.5 billion on a cash basis. This reduction in rate of Government expenditure will, of course, be felt.

In view of its record and its pending proposals, on interest rates, tax relief for big business and profit takers, further deflation of the farmers and denial of the help for consumers, it is clear that the administration, under its present policies, is not going to lead us out of recession.

CONGRESS OFFERS THE ONE REMAINING HOPE

Mr. President, an analysis of the facts of our situation makes it clear that a great responsibility rests upon this Congress and its leaders.

Historians will not be so interested in what percentage of the Eisenhower program we adopted in relation to domestic affairs, as in what we did in face of a growing recession; what we did to reject the give-away and take-away program of the depression makers and to implement the Employment Act of 1946.

The Employment Act of 1946 must be implemented immediately. It is clear today that amendments to that act, of which I had the honor to be the original sponsor, would be wise, making mandatory upon the executive branch those obligations under the act which have been disregarded in recent months.

The obligation of the administration under the law is to promote maximum employment, production, and purchasing power.

The law does not say that the administration must wait until a "spiraling recession" has been reached at 25 percent to 30 percent below a desirable level of economic activity. It does not say that we should wait until "undue disaster" is upon us to act.

The law does not call for half-way measures. It calls for the Government to utilize all its planning function and resources.

Despite the fact that most economists agree that merely easing monetary and credit controls is not sufficient to stop a depression, that is the most that this administration could possibly claim that it has done—eased off a little on the unwise hard-money crusade on which the administration itself tragically embarked in its opening days.

President Eisenhower's message stated that in the transition from wartime to peacetime economy, he will maintain flexible credit and debt management policy. That simply means more tinkering by the very bankers who got us into the present mess. I am strongly of the opinion that one of the first things this Congress should do is to recapture control over monetary and credit policy which has been surrendered to the bankers at the Treasury and the Federal Reserve.

The power to fix interest rates on Government securities is the power to fix all interest rates. Yet the only statutory interest rate ceiling on Government securities fixed by the Congress is that on Series E bonds.

We should enact statutory interest rate ceilings on all Government securities. The record of the Federal Reserve Board in the exercise of discretionary authority over the money supply has been so bad that the Congress should consider mandatory rules tying the annual rate of growth of our monetary supply to the annual rate of growth of production needed to provide full employment.

I strongly favor the reformation of the Federal Reserve Board to free both it and the Open Market Committee from banker domination. The number of governors should be expanded and there should be mandatory representation for farmers, labor, white-collar workers, and other consumers, and businessmen on the Board.

There has been a great deal of discussion of the millions of dollars which the unwise interest boosting spiral of 1953 will cost the Government, States, counties, municipalities, and private borrowers. It is a staggering sum.

But much more important, Mr. President, is the achievement of control over credit and monetary policy.

With control now firmly in the hands of bankers, money and credit can be manipulated by the bankers to defeat even the will of this Congress. Our efforts to stimulate the economy could be offset quickly by the bankers by boosting interest rates again and shortening the supply of credit.

We have long heard a cry for an independent Federal Reserve. I am for it—a Federal Reserve independent of a big banker domination, with monetary and credit policies truly in the hands of the Government.

STEPS BACK TO A HIGH-LEVEL ECONOMY

Apart from regaining control of monetary and credit policy, Congress needs to take many other steps at once to lift the economy back to a high level. A program to do this must deal with many phases of the problem. Without attempting to outline a complete program, I wish to mention briefly a few essential steps:

First. We must deal immediately with monopolistic price and profit policies. The antitrust division at the Federal Trade Commission has been emasculated, its top men fired in a disproportionate cut of personnel. The New York Journal of Commerce now tells us that the Attorney General is substituting private deals—consent compromises—with

private business for enforcement of our antimonopoly laws in open court.

I ask unanimous consent to have printed in the RECORD at this point portions of a Journal of Commerce article of January 11, 1953.

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

COMPLIANCE, NOT SUITS, KEYS ANTITRUST CASES—JUSTICE DEPARTMENT AND FTC AIM TO PUT MORE STRESS ON OUT-OF-COURT SETTLEMENTS AND AVOID TRIALS BASED ON NARROW GROUNDS AND NOVEL THEORIES

(By Oscar E. Naumann)

WASHINGTON, January 10.—Administration of the antitrust laws this year will be keyed to settlement of complaints out of court, wherever possible, and to a firm intention to examine all the facts in each case rather than to proceed on narrow legal grounds.

The heads of the two Government agencies directly charged with enforcement of the antitrust statutes are agreed that there is a distinct advantage to the Government, as well as to many prospective defendants, in seeking compliance with the laws short of the usual long-drawn-out litigation.

At the same time, it appears certain that the Government will not try to interpret existing antitrust laws to cover novel legal theories which occasionally have been propounded in the past.

AMENDMENTS AT THIS SESSION HELD UNLIKELY

It also seems unlikely that the administration will ask this session of Congress to amend the antitrust laws, although that may be a very good probability for 1955.

Both Stanley M. Barnes, Assistant Attorney General in charge of the Antitrust Division of the Justice Department, and Edward F. Howrey, Chairman of the Federal Trade Commission, are stressing compliance with the law short of court action.

Judge Barnes has, in fact, instituted a new procedure at the Department of Justice involving the negotiation of consent judgments prior to the filing of civil complaints. Since taking office last May, he has selected seven cases, all different, that had reached the point at which the Justice Department ordinarily would have filed suit.

But instead of filing in the courts, DOJ prepared the same complaint it would give to a court and then presented it to opposing counsel with the request that counsel supply DOJ with the same answer it would file in court.

The purpose of this procedure, Judge Barnes explained, was to try and work out consent decrees which could be handled in court in a day, rather than to go through long and extensive litigation. The score so far: Two of the situations "look hopeless and we will file suit"; 2 look promising for consent decrees; 2 are still being negotiated; and in the final case the prospective respondent initially declined DOJ's procedure but recently reversed itself.

FTC ALSO MOVING TO SIMPLIFY PROCEDURE

The Federal Trade Commission also is placing emphasis on compliance and enforcement short of the courts, where that is possible. This is part of a move to simplify and to speed up enforcement of the laws.

The Government's firm determination to examine all the facts in each case—to depart from the legal theory, where possible, that certain acts automatically constitute per se violation of the antitrust laws—was highlighted in the Pillsbury case, reported in detail in the Journal of Commerce, December 28.

In this case, Chairman Howrey plainly went out of his way to delineate the Federal Trade Commission's thinking on administration of the statutes. He himself regards the opinion as a landmark in recent FTC history.

In the Commission's opinion Mr. Howrey stated that "if a particular competitive act is automatically to be presumed unlawful, the administrative process of the Commission loses its purpose, and the justification for limiting the scope of judicial review and for exempting the Commission from executive control no longer remain."

Then he declared that "there must be a case-by-case examination of all relevant factors in order to ascertain the probable economic consequences."

Of considerable interest to businessmen who may be wondering whether practices so far deemed legal under the antitrust laws will come under scrutiny as lawyers develop new theories of enforcement is the determination of both the Attorney General and FTC to avoid such enlargement of the laws.

ONLY NUGGET OF FACT SUPPORTED SOME CASES

Judge Barnes told the Journal of Commerce that "we have sought to get away from the desire of administrative officials to enlarge the antitrust jurisdicition into unexplored areas for sociological reasons." DOJ now is confronted with a good many cases brought under previous administrations in which the complaint was supported by a nugget of fact but nevertheless went far beyond the supporting evidence.

DOJ has no desire to institute any such new fishing expeditions, the Assistant Attorney General said.

But this does not mean that DOJ will not consider cases of first impression, that is, cases which will clarify some heretofore untested facet of the antitrust laws. In fact, one of the cases now being considered for filing by DOJ is a case of first impression under section 7 of the Clayton Act. This is the section of the law, as amended in 1950, which applied in the recent Pillsbury decision by FTC—also a case of first impression.

Similarly, FTC has no intention of testing "new and novel" theories. This may be exemplified in a decision involving two liquor companies, Seagrams and Schenley. In the fall of 1952 the then Democrat-dominated FTC brought a complaint against each of the companies, charging that each conspired with its own subsidiary companies to fix prices. The new theory involved was that the antitrust laws, which prohibit conspiracies between independently owned companies, also apply to companies under the same management.

CONSENT DECREES SEEN IN LIQUOR LITIGATION

The present FTC almost certainly would not have issued such a complaint in the first place, and chances are that the existing complaints will be settled by consent decree.

While the antitrust division of DOJ, and FTC, are revising their thinking on enforcement of the antitrust laws, and striving for better administration, still another group is at work on the same problems. This is the Attorney General's National Committee to Study the Antitrust Laws, which was appointed by Attorney General Herbert Brownell, Jr., with the support of President Eisenhower.

Named last August, this group is making a substantive and procedural study of the applicable laws and is due to report this year. But because the President already has outlined a heavy legislative program for Congress, and because the Committee may not complete its studies and recommendations until well along in the session, it appears doubtful that the administration would ask for new antitrust legislation this year.

Here is a list of the many problems on which the Committee is working:

(1) Concepts of competition and monopoly, the legal definitions versus economic definitions, the tests and criteria; (2) per se versus the rule of reason; (3) oligopolies; (4) implied conspiracies, price leadership, parent versus subsidiary; and (5) Robinson-Patman Act, hard versus soft competition.

Also (6) exclusive dealing; (7) fair trade and the McGuire Act; (8) foreign commerce the ICI case, extraterritoriality; and (9) exemptions—labor and agriculture.

Also (10) concurrent jurisdiction of DOJ and FTC; (11) patents and trademarks; (12) consent decrees; (13) use of criminal prosecution, grand jury versus discovery proceedings.

While this very broad study is going forward FTC has itself appointed a committee of experts to examine cost justification, since where savings in costs can be justified they provide a defense against charges of price discrimination.

While these forward-looking studies are going on, the antitrust division and FTC are busy catching up with a large backlog of pending litigation. Judge Barnes pointed out that DOJ has had some antitrust cases pending for as long as 12 years.

Taking 12 cases that have been hanging fire from the period between 1941 and 1946, the antitrust division has closed out 8, 2 were dismissed by DOJ, 3 were dismissed by the courts, and 3 were settled by consent decrees.

Both agencies also are taking a look at the orders they issued over the past years to make sure that they are being complied with. At the present time neither agency has a group to supervise such compliance.

Mr. MURRAY. Mr. President, the story is to the effect that the Attorney General proposes to submit his cases to the opposing counsel in antitrust matters, reach compromises, and then make them of record in the courts in a single day to save time consumed in trials.

This proposal to take away from the courts the power to decide what is right and wrong—to undermine the position of the judiciary in our Government—has been made before and rejected. How can a judge be fully briefed and advised of all the evidence and ramifications of a complicated antitrust matter in a few hours? How can we expect attorneys in court to justify a compromise to give the court full facts? What about the people's right to the facts as developed in open, public trials?

Apparently this big business administration now proposes to deal with its supporters and campaign contributors in secret, as far removed from the public eye as possible. How soon will we relieve the courts of holding criminal trials? How soon will all justice become a matter of making a deal with the Attorney General?

I hope that no one now tries to reassure us by advising us that only monopolists are going to get this special treatment; that back room settlements will be their exclusive privilege.

Writing in the Wall Street Journal of February 1, 1954, on the Outlook, Mr. George Shea asks:

How long will it be before * * * industries decide that real price reductions are what will bring in demand? As the economic advisers stress, manufacturers' prices in many instances have not yet followed the earlier declines in raw materials * * *.

Under the circumstances, current noisy efforts of self-appointed spokesmen to reassure the Nation, on the theory that recessions are purely a matter of psychology, could boomerang. If too many businessmen are thereby persuaded to keep inventories and prices too high too long, the consequence can only be distress when the inevitable liquidation comes.

In addition to vigorous antitrust law enforcement, the price spread studies

at the Federal Trade Commission, which this Congress last year forbade, should be started again, and adequate funds provided to do a prompt and thorough job. The story of the last ditch price increases in the face of recession should be developed fully. The public should learn how food trades have increased their take, and why prices have not fallen as a result of termination of the excess profits levy.

I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Lower Taxes: Lower Prices," published in the Washington Post of Wednesday, January 12, 1953, in regard to the maintenance of high automobile prices after the presumed death of the excess profits levy. It points out that some companies argued last year that nearly all the benefits of excess profits tax repeal would be passed to the consumers—a $2 billion melon.

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

LOWER TAXES: LOWER PRICES

Last week's announcement that the Defense Department would cancel contracts for $140 million worth of jeeps and trucks hardly represents a disturbing loss of business for the companies concerned. The news should not be interpreted as another indicator of a business downturn, even by auto workers who are beginning to see signs of less work ahead. Five companies will share in the $140 million contract cuts. In 1952, General Motors alone did a business of $7.5 billion, $1.4 billion of which was for defense; Chrysler did a business of $2.6 billion, $360 million of which was for defense.

Of more significance to workers and to consumers than the small defense cut announced last week was the expiration of the excess profits tax. It should make possible some price adjustments as well as operational adjustments which will have a tonic effect on business. Some 70,000 of the 400,000 American corporations have been paying excess profits taxes netting the Government about $2 billion annually.

No figures are available to indicate what the companies will do with the money saved. Some of it may be applied to price cuts; some may be applied to dividend payments, higher wages or new supplies and equipment. At any rate, the savings probably will not be hoarded. The effect on general business, therefore, should be stimulating. Some companies argued last year that the excess profits tax was almost wholly passed on to the consumer and that he would be the chief beneficiary of the end of the tax.

The demand of the market, of course, is the primary determinant of price. But with the market for some goods now softer than in several years, price competition should become more widespread than it is at the moment. With the enormous capacity for production, business may find that price reductions are essential to the most economical operation.

Mr. MURRAY. Mr. President, has anyone heard of any big price reductions since January?

Why are not the benefits to consumers showing up?

I do not mean those questions seriously, for I know that very little of the $2 billion will get to consumers because of monopoly price practices.

Second. Priority in tax relief should be given in the lower-income brackets. The per capita personal exemption should be raised from $600 to $1,000 at minimum. In 1939, the standard family and individual exemptions enabled those with sufficient incomes to enjoy an acceptable standard of living. A single person had an exemption of $1,000. An equivalent exemption today would have to be $1,936, not $600.

In 1939, a married couple with two minor dependents had an exemption of $3,300. An equal exemption today would be $6,389 to provide the same tax-exempt purchasing power. The current exemptions are only $2,400 for a family of four—much less than the $3,800 needed for such a family to have a modest but adequate standard of living.

Increased personal exemptions for families or individuals earning $4,000 or less from the present low of $600 to $1,000—still less than the 1939 equivalent—would release substantial additional purchasing power.

Third. We should correct defects and inequities in the present tax laws to provide revenues to offset the relief necessary to bolster consumption. Eliminating income-splitting would raise an estimated $3 billion additional. More vigorous enforcement of business returns, withholding taxes on interest and dividend income, and less liberal depletion and capital-gains treatment would raise $2 billions. The Bureau of Internal Revenue tells us that almost half of all business returns contain tax errors. Combined with the reenactment of the excess-profits tax, these amendments would raise a total of $7 billion.

These tax suggestions are based on my firm belief that in a period of recession, such as we now have, business and upper bracket tax relief must be deferred and the highest priority given to tax cuts that stimulate demand, industrial activity, and recovery.

Fourth. We should repeal the Taft-Hartley Act. To insure the maintenance of full employment it is necessary that management be willing to share promptly with wage earners as well as consumers the benefits of tremendous increases in productivity. I am gratified that Mr. Harold Stassen has so advised European employers. On the other hand, I am fearful that the punitive Taft-Hartley Act will encourage recalcitrant groups of employers in this country to break down the standards and reduce the economic gains in this direction made possible by the Wagner Labor Relations Act.

The President's endorsement of the Taft-Hartley law, his appointment of business-connected persons as members to the National Labor Relations Board, and his proposed amendments and outright concessions to the National Association of Manufacturers, are, of course, only new evidence of the bad advice he is receiving and his failure to understand the forces at work in our economy contributing to recession and depression.

Employers who know how the vicious provisions of the Taft-Hartley law can be used to damage labor organizations and weaken their representation of workers can only interpret the President's affirmation of belief in Taft-Hartley as support of their ends.

In connection with Taft-Hartley repeal, it should be said that there are some people in this land who would relish a recession and be willing to run the risk of serious depression to break down the effectiveness of labor organizations.

Some persons would recommend a goal of at least three to five million unemployed, so there would be a floating pool of excess labor hanging as a threat over the unions, their negotiators, and individual members.

The mandatory elections proposal in President Eisenhower's labor message takes on a very clear meaning when related to the goal of those who want stabilized unemployment. The results of a mandatory election in a city with breadlines would undoubtedly differ from the results in a full employment economy.

A recession and a tightening of the Taft-Hartley Act constitute a double-barreled shotgun blast at the labor unions.

Fifth. We should extend 90 percent of parity farm price supports to additional products, including feed grains, beef, and other perishables, and we should make them permanent. We should then devote ourselves to seeing that our food production is used to provide adequate diets for our own people, and to assist in achieving freedom from want in the rest of the world.

The farm recession is very real. Output of farm machinery has been cut 25 percent since March 1953, indicating the effect of the farm recession on industry. Industry's answer, it should be noted, has been a 2-percent rise in tractor prices since December 1952.

The threat of the administration's sliding scale price supports now hangs over the farmers. Members of Congress know it has little likelihood of enactment; that enough Republicans are going to join the Democrats to defeat any such further deliberate deflation of agriculture to win urban votes. But the farmers cannot be sure until we have voted, and the present uncertainty should be dispelled as soon as possible.

Sixth. We should raise our rate of investment in the development of the resources of this country back to, and beyond, the levels current before the present unwise economy cuts were made, for the real purpose of freezing development while private power monopolists grab our best hydroelectric power sites. Our rate of investment in resources development should be geared, as the Employment Act of 1946 contemplated, to the requirements of maximum employment, maximum production, and maximum purchasing power.

This economy ruse succeeded in obtaining a 50-percent reduction in our rate of investment in western development, a cut from approximately a $300 million level to half of that. The Government is providing private electric utilities the equivalent of more than five times such reduction in public investment by permitting quick amortization of $1.8 billion in new plants at a tax loss of $845 million. The full effects of the reductions in western investment have not yet been felt because of funds in the pipeline. Unless this Congress acts

promptly to correct the unwise cuts of last year, and keeps investment in resources up, reductions will strike in our western areas, already staggering under drought and discouragement, within the next few months.

I shall again join with other Senators in proposing the establishment of a Missouri Valley Authority or Commission to develop the resources and stimulate the economy of that great region. I shall be happy to join Senators from other great river basins in separate bills or in an omnibus valley authority bill; for here is a demonstrated, sure way both of providing sound measures of recovery and, at the same time, of increasing the wealth-creating potential of an expanding, healthy economy.

Seventh. Public investment in schools, hospitals, medical facilities, roads, and other public works must be geared to the needs of the Nation, both for services and maintenance of full employment.

The current rate of 50,000 new classrooms built a year is 14,000 less than needed to match increased student numbers, thus adding to overcrowding and the accumulated deficit of facilities. In 1952, the public elementary and secondary school capital needs amounted to $10.5 billion. The existing legal bonding or taxing limits would permit the States to raise only $5.8 billion, or 55 percent, of the funds required to fulfill backlog needs. New construction contract awards in 1952 provided for only 13 percent of total new construction needs as of September that year.

In 1953 the hard-money policy raised interest rates, which meant less schoolroom space per dollar expended. Some construction was postponed as a result of the new policy. With a rise in the school enrollment of 10 percent in 1953 over 1952, planned expenditures for new construction in 1954, up 11 percent, will just cover new needs and leave the existing backlog, plus replacement needs, virtually untouched.

The Nation's highway backlog at the start of 1954 was above $12 billion. The annual rate of growth required to meet anticipated needs is about $1.6 billion. In 1954 planned new highway construction expenditures will be $3.4 billion. At such a rate, it would take 24 years to eliminate the backlog in highway deficiencies. The amount contributed by the Federal Government for construction of State highways will remain unchanged at $575 million.

The bulk of current school, highway, and public-housing outlays is financed by State and local governments. With a drop in economic activity, State and local governments will retrench as receipts fall and limits of indebtedness are reached. It will require Federal action to increase the rate of highway, slum clearance, public housing, and school construction activities.

Eighth. A small-business agency that functions and provides loans at reasonable interest rates must be put in operation. The RFC has been liquidated and the present small-business agency has done nothing of consequence except to make an untimely announcement that interest rates will be increased on its loans—if it ever makes any.

SPEED HOUSING

Ninth. The public-housing programs must be resumed at or above their former level, interest on veterans' and Federal housing backed mortgages brought back down, and new emphasis placed on slum clearance. This Congress last year imposed a statutory ceiling of 20,000 public-housing units annually, causing a 34-percent drop in construction. The limit must be lifted. Emphasis on slum clearance is essential because of a prospective fall in the rate of new-household formation. The Census Bureau's Projection of the Number of Households and Families, 1955–60, reports that under favorable economic conditions there will be an average annual increase of only 650,000 in households in the next 7 years, compared to 1,100,000 annually in the last 7 years. The low birthrates of the last great depression are now being reflected in the family formation. A decline in demand for new-family units gives us both the opportunity and the economic need for replacement of substandard homes.

Tenth. We must move imaginatively and boldly to stimulate foreign trade and foreign markets. The world food reserve which several of us proposed in the last session of Congress should be enacted into law. The technical-assistance and point 4 programs should be given renewed emphasis.

As I have pointed out previously, a small decline in our economy can be ruinous to many nations now on the side of a free world. We need to help them build up their economies and to stimulate their growth. Our technical-assistance and point 4 programs are the soundest and most economical road to economic improvement and stability in the free world which has yet been devised. The programs should be expanded as rapidly as is sound.

This Congress should study the possibility of establishing a system of international development contracts which will put a floor under annual demand and price for some of the basic raw materials moving in world trade and thereby insure friendly nations which trade with us against the economic disasters and political upheavals which accompany sharp curtailment of international demand for their production.

Economic measures are the sure, sound road to lasting peace. Revolutions do not occur where people are reasonably well off and when their economy is growing, giving them hope for the future.

Mr. President, I know that there are other steps which will be necessary to reverse the present downtrend and achieve the continued growth which is essential to a healthy economy.

There can be no dispute that transition from a wartime economy to a partial mobilization or defense economy has presented problems. It is unfortunate that in such a period of transition many difficulties have been created unnecessarily as a result of the indefensible hard-money crusade of 1953, by the emasculation of our small business credit programs, by crippling of the housing programs, and by the curbing of resources development programs and of the great foreign assistance programs which were aimed at the ultimate growth of export business and foreign trade.

It will be tragic if this Congress delays another year in righting the situation and enacting whatever legislation is necessary to establish and require the pursuance of a maximum employment policy by the administrators of our Government. This is no time for study commissions, but for emergency action.

We need immediately to make it clear to the people of the Nation that this Congress is not going to sit by and tolerate a 25- to 30-percent decline in business activity before there is action.

The fear created by the irresponsible statements about awaiting undue disaster and spiraling recession must be dispelled. Since the administration has taken no steps to renounce and disassociate itself from the philosophy of awaiting ruin complacently, it becomes the responsibility of Congress to give the people of this Nation reassurance, and to act boldly and firmly.

Keeping the Nation in the dark about how far the healthy readjustment is going to be permitted to proceed, and continuing to talk about continued growth and maintaining growth, while all the economic indicators decline, have created uncertainty and apprehension, which can only lead to curtailment of outstanding commitments by business and consumers that will accelerate the decline.

We need quickly to assure the people that there is an understanding of the true situation in the Congress, that there will be prompt action to rebuild the economy, and that we do not subscribe to the theory that 3½ to 4 million unemployed is healthy.

The termination of uncertainty will of itself be a long step forward, but specific action must follow along the lines which I have outlined.

A national advertising campaign creating a great cloud of smoke about our economic situation will not do the job. Too many people still remember how long prosperity was "just around the corner" in the last depression to make anything short of early, positive action adequate today. In my opinion, we must move promptly to control this recession before it gains momentum. This country can and must move forward. This Congress can and must act now.

NOTICE OF SPEECH BY SENATOR MORSE

During the delivery of Mr. MURRAY'S speech—

Mr. MORSE. Mr. President, with the understanding that my interruption will follow the speech of the Senator from Montana, I should like to say that the majority leader has kindly and cooperatively entered into an understanding with the Senator from Oregon—and the acting majority leader I am sure will correct me if I do not have a clear understanding of the situation—to the effect that the Senator from Oregon will

not make his speech tonight, but will make his speech when he can get the floor at the convenience of the Senate tomorrow afternoon, and that at the close of the speech of the Senator from Montana [Mr. MURRAY], unless another Senator wishes to make a speech, the Senate will recess in accordance with the arrangement which has been entered into between the acting majority leader and the acting minority leader, with the further understanding that no votes will be taken in the Senate tonight.

Unless I hear dissent I assume that is the understanding.

Mr. GOLDWATER. As acting majority leader, I will say that the Senator is correct in his statement. The majority leader informed me that no votes will be taken tonight, and that when the rhetoric shall have been exhausted we will go home.

Mr. MORSE. I should like to say to my good liberal friends on the other side of the aisle that the reason I prefer not to make my speech tonight is not only that I desire always to accommodate my colleagues in the Senate, but that I am about to go to a banquet of businessmen who would like to cross-examine me on a few matters, and I do not want to forego that pleasure. Therefore, with the understanding I have noted, I shall depart.

Mr. HUMPHREY. I will say to my good friend from Oregon that it is a very interesting discussion we are having, to which the Senator from Oregon has made some valuable contributions. He leaves us with a good feeling, and we want to bid him fond farewell for the moment.

Mr. GOLDWATER. And a safe return.

Mr. HUMPHREY. And a safe return, indeed.

SURVEY OF BUSINESSMEN'S EXPECTATIONS FOR SECOND QUARTER OF 1954

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a document entitled "Survey of Businessmen's Expectations for the Second Quarter of 1954, Conducted by Dun & Bradstreet, Inc.," be printed in the RECORD at this point.

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

Survey of businessmen's expectations for the second quarter of 1954 conducted by Dun & Bradstreet, Inc.—Second quarter of 1954 compared with second quarter of 1953: What businessmen expect

[Based on interviews with executives of 1,315 business concerns between Jan. 11-22, 1954, regarding expectations for their respective businesses]

	All concerns	Total manufacturers	Manufacturers		Wholesalers	Retailers
			Durable	Nondurable		
Net sales:						
Number reporting	1,315	685	355	330	407	223
Percent expecting:						
Increase	46	47	44	50	46	44
No change	32	29	28	30	34	36
Decrease	22	24	28	20	20	20
Net profits:						
Number reporting	1,182	618	324	294	357	207
Percent expecting:						
Increase	37	41	41	42	31	36
No change	42	38	36	40	47	44
Decrease	21	21	23	18	22	20
Selling prices:						
Number reporting	1,284	671	344	327	393	220
Percent expecting:						
Increase	13	10	10	10	17	13
No change	68	71	74	68	63	68
Decrease	19	19	16	22	20	19
Level of inventories:						
Number reporting	1,295	677	350	327	399	219
Percent expecting:						
Increase	20	20	20	20	20	23
No change	47	48	50	46	49	43
Decrease	33	32	30	34	31	34
Number of employees:						
Number reporting	1,309	683	350	333	402	224
Percent expecting:						
Increase	11	13	12	14	7	9
No change	80	76	71	80	86	84
Decrease	9	11	17	6	7	7
New orders:						
Number reporting	----------	595	319	276	----------	----------
Percent expecting:						
Increase	----------	42	41	42	----------	----------
No change	----------	36	34	38	----------	----------
Decrease	----------	22	25	20	----------	----------

RECESS

Mr. GOLDWATER. Mr. President, if there be no further business to be transacted, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 5 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 5, 1954, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 4 (legislative day of January 22), 1954:

UNITED NATIONS

Philip K. Crowe, of Maryland, Ambassador Extraordinary and Plenipotentiary to Ceylon, to serve concurrently and without additional compensation as the representative of the United States of America to the 10th session of the Economic Commission for Asia and the Far East established by the Economic and Social Council of the United Nations March 28, 1947.

COLLECTOR OF CUSTOMS

Harold R. Becker, of New York, to be collector of customs for customs collection district No. 9, with headquarters at Buffalo, N. Y.

IN THE MARINE CORPS

Col. Roy M. Gulick, United States Marine Corps, for temporary appointment to the grade of brigadier general, subject to qualification therefor as provided by law.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

William M. Stewart, Alexander City, Ala., in place of J. T. Fuller, retired.

Emitt J. Stricklin, Bremen, Ala., in place of K. R. Rice, resigned.

Charles D. Moore, Montgomery, Ala., in place of R. L. Nolen, Jr., resigned.

ARIZONA

John W. Crozier, Benson, Ariz., in place of W. D. Spangler, transferred.

Richard E. Lawrence, Jerome, Ariz., in place of J. E. Wagner, retired.

Ollie C. Wilson, Scottsdale, Ariz., in place of A. H. Adams, retired.

ARKANSAS

Thomas H. Edwards, De Queen, Ark., in place of W. H. Wardlaw, retired.

CALIFORNIA

Amey L. Weiser, Aptos, Calif., in place of C. W. Spencer, transferred.

Robert H. Marshall, Bakersfield, Calif, in place of J. P. Shields, retired.

Edwin R. Vetter, Big Creek, Calif., in place of J. W. Barr, retired.

Emil J. Nelson, Brookdale, Calif., in place of H. I. Hollen, resigned.

Martha L. Ward, Canby, Calif., in place of M. E. Bowden, resigned.

Carl H. Stahlheber, Chula Vista, Calif., in place of F. J. Norton, retired.

Charlie L. Veitch, Compton, Calif., in place of Clark Wallace, retired.

Ellen G. Goforth, Covelo, Calif., in place of F. E. Hagne, transferred.

John F. Nielsen, Jr., Forest Knolls, Calif., in place of A. M. Knowles, resigned.

Ronald L. Pascoe, Gustine, Calif., in place of W. R. Woods, removed.

Donald H. Onstad, Ione, Calif., in place of D. M. Stewart, resigned.

John Healy, Livingston, Calif., in place of E. C. Ulrich, transferred.

Edward S. Chadburn, Needles, Calif., in place of W. L. Carter, retired.

William L. Klette, North Fork, Calif., in place of M. M. Franklin, deceased.

S. Merritt Williams, Palm Springs, Calif., in place of R. M. Gorham, retired.

Eugene E. Schulenburg, Pismo Beach, Calif., in place of W. J. Carter, resigned.

John H. Shewman, Pomona, Calif., in place of J. R. Casey, retired.

Warren J. Bond, San Quentin, Calif., in place of J. M. Eliason, deceased.

Louis Sibilio, Santa Maria, Calif., in place of R. E. Shamhart, retired.

Leola E. Heinz, Shingle, Calif., in place of C. L. Scheiber, deceased.

Alma W. LaChambre, Sunset Beach, Calif., in place of M. C. Galle, resigned.

Elizabeth J. Otto, Temecula, Calif., in place of I. J. Shirley, removed.

Harold E. Rolfe, Topanga, Calif., in place of J. W. Gay, removed.

Blythe W. Richards, Tracy, Calif., in place of G. H. Gischel, retired.

Charles Hugh Ross, Tulare, Calif., in place of J. H. Clark, retired.

Warren F. Hollingsworth, Turlock, Calif., in place of M. M. Brame, retired.
Roy A. Ray, Upland, Calif., in place of O. P. Brady, deceased.
Fred H. Jenkins, Watsonville, Calif., in place of W. D. Thornton, deceased.

COLORADO

Austin C. Bledsoe, Fleming, Colo., in place of D. D. Hopkins, transferred.
Phillip J. Woods, Las Animas, Colo., in place of C. E. Samuelson, deceased.
Reba L. Bradley, Palmer Lake, Colo., in place of Evelyn Myers, resigned.

CONNECTICUT

Ellen S. Breining, Bloomfield, Conn., in place of M. W. Pinney, retired.

FLORIDA

Charles E. Yon, Blountstown, Fla., in place of J. I. Martin, transferred.
Thelma S. Speer, Boca Grande, Fla., in place of Jefferson Gaines, deceased.
William A. Fisher, Dunedin, Fla., in place of W. J. Christie, deceased.
Bernard O'Brien, Panama City, Fla., in place of J. W. Padgett, resigned.

GEORGIA

Mattie H. Chandler, Keysville, Ga., in place of G. E. Chandler, Jr., resigned.
Lloyd C. Ricks, Macon, Ga., in place of C. L. Bowden, declined.
Albert D. McKee, Moultrie, Ga., in place of J. B. Monk, retired.

ILLINOIS

Carrie L. Smith, Bellflower, Ill., in place of M. L. Mears, deceased.
Donald W. Fraser, Blue Island, Ill., in place of D. J. Boyd, resigned.
Alan E. Rigg, Bone Gap, Ill., in place of Ellis Drury, retired.
Charles E. Eyestone, Brownstown, Ill., in place of M. G. Diveley, deceased.
Gertrude E. Dean, Flossmoor, Ill., in place of Margaret Echols, retired.
Harley Gustine, Greenfield, Ill., in place of J. M. Vandaveer, retired.
Orville O. Rathbun, Gridley, Ill., in place of Francis Hayes, transferred.
Frank A. Smallwood, Harmon, Ill., in place of R. W. Schmidt, resigned.
Gregory M. Sheahen, Highland Park, Ill., in place of D. L. Cobb, retired.
James A. Hight, Karnak, Ill., in place of W. V. Webb, retired.
Milo L. Craig, Kewanee, Ill., in place of E. O. Reaugh, retired.
John S. West, Lockport, Ill., in place of J. E. Fitzgerald, removed.
Cynthia Afton Stewart, Olive Branch, Ill., in place of W. F. Wilbourn, retired.
Edgar J. Baldwin, Palos Park, Ill., in place of C. C. Saunders, retired.
Curtis Fenton, Sims, Ill., in place of B. A. Jones, retired.
Harold J. Winans, Sycamore, Ill., in place of J. F. Boyle, deceased.
James L. Rousey, Wapella, Ill., in place of F. H. Greene, deceased.
Kenneth J. Tate, Waterman, Ill., in place of H. E. Davis, retired.
Clifton M. Evans, Waukegan, Ill., in place of J. P. Daly, deceased.
Raymond A. Smith, Wilmington, Ill., in place of M. I. Quinn, retired.

INDIANA

Clifton E. Coffman, Bainbridge, Ind., in place of C. E. Steward, retired.
Richard W. Troyer, Churubusco, Ind., in place of J. S. Kriegbaum, deceased.
Norman L. Bent, Fort Branch, Ind., in place of F. M. Davis, retired.
Avis L. Carlile, Scottsburg, Ind., in place of M. L. Hughbanks, retired.
Herbert B. Harrison, Winchester, Ind., in place of J. L. Wall, transferred.

IOWA

Arthur M. Robinson, Bayard, Iowa, in place of C. W. Crees, deceased.
Kenneth C. Anderson, Clinton, Iowa, in place of W. T. Oakes, retired.
Ralph O. Woods, Colfax, Iowa, in place of J. A. Davis, retired.
Louis F. Obye, Estherville, Iowa, in place of C. E. Kennedy, retired.
Keith H. Radloff, Farmersburg, Iowa, in place of George Glawe, retired.
Stewart L. Schwab, Guthrie Center, Iowa, in place of J. L. McLaughlin, retired.
Donald E. Clayton, Hamburg, Iowa, in place of Howard Colon, retired.
Lewis L. Welden, Iowa Falls, Iowa, in place of E. C. Wirds, removed.
James Emerson Evans, Joice, Iowa, in place of E. H. Brunsvold, transferred.
Goldie M. Schneider, Popejoy, Iowa, in place of John Schneider, removed.
Edwin G. Dieter, Rock Rapids, Iowa, in place of Florence Gilman, retired.
Norman W. Jespersen, Royal, Iowa, in place of Amber Bailey, resigned.
Morris G. Dahl, Sloan, Iowa, in place of J. A. Clark, transferred.

KANSAS

Esther L. Thomm, Athol, Kans., in place of A. J. Panter, transferred.
Reuben H. Moore, Holton, Kans., in place of A. E. Hosmer, retired.
Edward J. Schoenhofer, St. Paul, Kans., in place of J. T. Dowd, retired.

KENTUCKY

John R. Lawton, Central City, Ky., in place of J. L. Fentress, Sr., retired.

LOUISIANA

Alton Leander Lea, Baton Rouge, La., in place of M. B. McCarley, retired.
William C. Tucker, Haynesville, La., in place of C. C. Brown, retired.

MAINE

Ralph A. Miles, Jr., Burnham, Maine, in place of E. B. Davis, retired.
Arthur Atwood Anderson, Caribou, Maine, in place of F. A. Smith, retired.
Bentley L. Glidden, Damariscotta, Maine, in place of P. E. Woodbury, deceased.
George W. Warren, Dover-Foxcroft, Maine, in place of B. W. Brown, retired.

MARYLAND

Nelsie M. Hannon, Accokeek, Md., in place of L. L. Dyer, resigned.
Robert R. Ripple, Clinton, Md., in place of E. A. Loveless, retired.
Anna V. Groves, Glenn Dale, Md., in place of R. W. Suman, retired.

MASSACHUSETTS

Martha Helen Lindsey, Huntington, Mass., in place of N. J. Buckwheat, removed.
Mabel Griffin, Mendon, Mass., in place of N. M. Burr, deceased.
John J. Gobell, New Bedford, Mass., in place of J. A. Murphy, deceased.
Emile F. St. Onge, Ware, Mass., in place of J. J. Moriarty, removed.

MICHIGAN

Lewis G. Howe, Bath, Mich., in place of C. D. Porter, retired.
Clair E. Courtade, Buckley, Mich., in place of R. F. Duff, resigned.
Bernard C. Shankland, Cadillac, Mich., in place of E. R. Brodeur, retired.
Lawrence A. Olson, Coleman, Mich., in place of Edward Nelson, resigned.
Harold J. Geers, Kent City, Mich., in place of H. A. Saur, removed.
George W. Crist, Litchfield, Mich., in place of P. A. Walkup, transferred.
James Martin Littlejohn, New Buffalo, Mich., in place of F. F. Siegmund, resigned.
Carl E. Dennis, Rockford, Mich., in place of Glenn Davis, retired.
George E. Osgood, St. Johns, Mich., in place of G. E. Judd, deceased.

MINNESOTA

Loran V. Nelson, Bellingham, Minn., in place of George Zahn, transferred.
Harvey M. Madson, Grand Rapids, Minn., in place of Archie Rassmussen, deceased.
Keith W. Oleson, Isanti, Minn., in place of B. M. Otto, resigned.
Darrell W. Matter, Lyle, Minn., in place of J. P. Mortensen, transferred.
Carrol J. Strom, St. James, Minn., in place of C. V. Hawkinson, deceased.
James P. McCoy, Savage, Minn., in place of I. A. Riley, removed.
George H. Carrell, Zumbrota, Minn., in place of M. S. Stubstad, retired.

MISSOURI

Donald L. Bess, Bloomfield, Mo., in place of C. C. Oliver, retired.
Clarence L. Robertson, Jr., Brashear, Mo., in place of F. R. Moore, retired.
Frank D. Griswold, Jr., Clarence, Mo., in place of W. H. Burnett, retired.
Nelson H. Auer, Fulton, Mo., in place of S. B. Herndon, retired.
Hubert A. Bittiker, Mendon, Mo., in place of Kathryn Barry, retired.
Charles H. Hutsler, Osceola, Mo., in place of G. D. Brown, removed.
Max E. Schmid, Queen City, Mo., in place of F. B. Miller, deceased.
Norman T. Crater, Ravenwood, Mo., in place of L. J. Henry, Jr., transferred.
Lolita E. Lorch, St. Marys, Mo., in place of G. M. Pratte, retired.
William L. Dalton, Salem, Mo., in place of J. F. Dent, transferred.
Ethel Esther Eberts, Smithville, Mo., in place of C. F. Heathman, retired.

MONTANA

Jack A. Warner, Cut Bank., Mont., in place of E. M. Minette, retired.
Merle A. Griffith, Fairfield, Mont., in place of F. H. McLean, retired.
Emory B. Pease, Glasgow, Mont., in place of J. P. Sternhagen, retired.
Howard K. Stenehjem, Plentywood, Mont., in place of J. F. Murray, deceased.

NEBRASKA

Eugene J. O'Neill, St. Libory, Nebr., in place of F. H. Holtorf, transferred.

NEW JERSEY

Wilbur F. Rue, Allentown, N. J., in place of J. J. Sanders, retired.
Thomas Alfred Stevens, Cape May, N. J., in place of L. E. Miller, Jr., deceased.
Margaret H. Merrill, Essex Fells, N. J., in place of M. L. Callaghan, resigned.
Wilbur A. Smock, Farmingdale, N. J., in place of W. H. Thompson, retired.
Robert F. Wichmann, Little Silver, N. J., in place of W. H. Wichmann, deceased.
Richard G. Haffey, Longport, N. J., in place of J. A. Boyle, Jr., resigned.
Eleanor S. Howell, Stewartsville, N. J., in place of E. B. Rinehart, resigned.
Harry Thomas Applegate, Toms River, N. J., in place of S. B. Pierce, retired.
George R. Baldwin, Wenonah, N. J., in place of M. W. Veitch, retired.
William C. Nestor, Westfield, N. J., in place of J. H. Traynor, retired.
Leon E. McElroy, Woodbridge, N. J., in place of W. G. Weaver, retired.
Louis A. Pime, Woodbury, N. J., in place of E. H. Carpenter, retired.

NEW YORK

Glenn O. Robinson, Adams, N. Y., in place of J. W. Cain, retired.
Nicholas J. Graziose, Albertson, N. Y., in place of A. C. Johnsen, retired.
Charles L. Messer, Auburn, N. Y., in place of J. F. McGrath, retired.

Alexander R. Clark, Babylon, N. Y., in place of Joseph Keenan, retired.
May Frances Moore, Canaan, N. Y., in place of G. G. Taylor, removed.
Clifford O. Lincoln, Cherry Creek, N. Y., in place of E. G. Champlin, resigned.
Floyd W. English, Corning, N. Y., in place of J. F. Kennedy, retired.
Clarence A. Smith, Cornwallville, N. Y. Office became Presidential July 1, 1947.
Leigh R. Jones, Franklinville, N. Y., in place of A. W. Rogers, resigned.
Mark S. Western, Herkimer, N. Y., in place of F. A. Fagan, retired.
Homer J. Smith, Lake George, N. Y., in place of G. C. Pharmer, resigned.
Leslie G. Ross, Lake Placid Club, N. Y., in place of R. F. McIntyre, transferred.
Florence B. Densmore, Livonia, N. Y., in place of M. E. Murphy, retired.
Sherman J. Day, Lowville, N. Y., in place of K. M. Nortz, retired.
Ina E. Tymeson, Maine, N. Y., in place of F. H. Tymeson, retired.
Dora L. Walsh, Mellenville, N. Y. Office became Presidential July 1, 1946.
Marion E. Dickens, Middleville, N. Y., in place of G. M. Mumford, deceased.
Anthony J. Keller, Niagara Falls, N. Y., in place of T. F. Gray, deceased.
Neva B. Quick, Nichols, N. Y., in place of W. E. Merrill, retired.
Walter E. Davis, Port Jefferson, N. Y., in place of J. J. Cassidy, retired.
Howard L. King, Potsdam, N. Y., in place of R. E. Perrin, retired.
Charles Thomas Williams, Rome, N. Y., in place of T. V. O'Shea, retired.
Frank L. Miller, Roslyn Heights, N. Y., in place of G. P. Murphy, resigned.
Mildred S. Worcester, Rotterdam Junction, N. Y., in place of W. E. Worcester, retired.
Ronald J. Smith, Springville, N. Y., in place of Monte Yost, retired.
Karl F. W. Mowitz, Tonawanda, N. Y., in place of W. F. Baltes, deceased.

NORTH CAROLINA

William C. Stainback, Henderson, N. C., in place of J. R. Teague, retired.
Ruby Allen Phillips, Henrietta, N. C., in place of M. M. Wells, resigned.
Joshua P. Seymour, Hookerton, N. C., in place of E. S. Edwards, retired.
Neece N. Osborn, Jamestown, N. C., in place of C. V. Bundy, retired.
Sam J. Smith, Lexington, N. C., in place of Raymond Bowers, resigned.
Lillian B. Spencer, South Mills, N. C., in place of Bessie Granger, retired.
Jack F. Harmon, Sr., Statesville, N. C., in place of J. L. Milholland, retired.

NORTH DAKOTA

Eunice L. Bjella, Epping, N. Dak., in place of P. J. Karp, deceased.
Irvin J. Prichard, Maddock, N. Dak., in place of O. H. Haagenstad, resigned.
Esther Ward, Palermo, N. Dak., in place of H. D. Ward, deceased.
Harold W. Bachman, Streeter, N. Dak., in place of Paul Kietzke, deceased.

OHIO

Theodore Buehrer, Archbold, Ohio, in place of R. D. Walter, transferred.
Arthur E. Cornwell, Athens, Ohio, in place of F. P. Frebault, retired.
Paul F. Ralston, Chillicothe, Ohio, in place of J. R. Gunning, deceased.
Willard Alton Drown, Clyde, Ohio, in place of D. C. Franks, retired.
Guy H. Mundhenk, Dayton, Ohio, in place of H. F. Schiewetz, retired.
Robert A. Pouttu, Gates Mills, Ohio, in place of Frederick Higham, deceased.
Olive E. Starkey, Glenford, Ohio, in place of G. V. Danison, transferred.
Russell W. Carter, Mason, Ohio, in place of R. W. Gutermuth, retired.
William K. Wobbecke, Jr., Newark, Ohio, in place of E. F. Reeb, retired.
Russell L. Lorenzen, Sandusky, Ohio, in place of T. A. Lauber, retired.
Phillip H. Gifford, Urbana, Ohio, in place of W. A. Strapp, deceased.
Lyle M. Shumaker, Wauseon, Ohio, in place of R. E. Lucas, transferred.
Sherman O. Kreischer, Westerville, Ohio, in place of J. E. Mattox, resigned.

OKLAHOMA

Claude G. Jones, Jones, Okla., in place of W. F. Goff, retired.
Leo D. Johnson, Perry, Okla., in place of E. S. Bowles, transferred.

OREGON

William A. Rees, Fairview, Oreg., in place of Elsie Langley, retired.
Glendora V. Smith, Grass Valley, Oreg., in place of I. A. Blagg, resigned.
Walter E. Sneddon, Lowell, Oreg., in place of C. M. Cox, resigned.
Robert R. Ireland, Milton-Freewater, Oreg., in place of E. H. Steen, retired.
Herbert R. Parker, Oakland, Oreg., in place of H. E. Mahoney, retired.
James H. Grieve, Prospect, Oreg., in place of M. E. Grieve, retired.

PENNSYLVANIA

Franklin Levis Stringfellow, Chester, Pa., in place of I. A. Hiorth, retired.
William H. Anderson, Ebensburg, Pa., in place of Rosemary Dugan, removed.
Earl M. Miller, Elizabethtown, Pa., in place of H. R. Schneitman, deceased.
Kathryn E. Kurtz, Leacock, Pa., in place of P. M. Kuhns, declined.
George A. Paul, McConnellsburg, Pa., in place of E. L. Lynch, retired.
Elmer B. Neff, Mount Holly Springs, Pa., in place of M. C. Souders, retired.
Milton L. Dodge, Smethport, Pa., in place of T. P. Kennedy, resigned.

RHODE ISLAND

Louis Clay Whitman, Coventry Center, R. I., in place of P. P. Bentley, retired.
Philip W. Martin, Little Compton, R. I., in place of A. G. Bliss, resigned.

SOUTH CAROLINA

Elizabeth J. Cooper, Mayesville, S. C., in place of B. T. Cooper, retired.

SOUTH DAKOTA

Florence M. Weiland, Marion, S. Dak., in place of W. W. Brady, transferred.
Vada E. Koehne, Oldham, S. Dak., in place of G. S. Blackstone, deceased.
Elmer R. Humeston, Redfield, S. Dak., in place of E. H. Fox, removed.
Chester A. Beaver, Yankton, S. Dak., in place of J. R. Crowe, retired.

TENNESSEE

Roscoe Byrd, Huntsville, Tenn., in place of M. H. Williams, retired.
Daniel B. Shofner, Shelbyville, Tenn., in place of L. D. Jordan, deceased.

TEXAS

John Brice Jones, Baird, Tex., in place of John Gilliland, retired.
James T. Jolley, Clarksville, Tex., in place of B. D. Wren, deceased.
Robert M. Anderson, Clute, Tex., in place of A. M. Dunn, removed.
Dudley C. Jernigin, Fort Worth, Tex., in place of J. E. McKee, resigned.
William X. Priesmeyer, Garwood, Tex., in place of H. F. Priesmeyer, retired.
Perry H. Martin, Georgetown, Tex., in place of F. B. Secrest, retired.
Matilda H. Barham, Helotes, Tex., in place of Blanche Maltsberger, resigned.
Marion M. Seymour, Jacksonville, Tex., in place of D. L. Haberle, resigned.
Nell G. Pryor, Kirbyville, Tex., in place of G. T. Sharbutt, resigned.
Julia W. Toalson, Kyle, Tex., in place of H. C. Wallace, retired.
Guy Wetzel, Longview, Tex., in place of T. H. Bivins, transferred.
Rufus L. Boren, Mart, Tex., in place of J. L. Spencer, retired.
Cecil F. Sorrell, Mission, Tex., in place of M. M. Hatch, retired.
Bertrand T. Hansen, Navasota, Tex., in place of C. H. Prestwood, deceased.
Frank N. Cook, Olney, Tex., in place of D. B. Wood, deceased.
Allie M. Sanders, Scurry, Tex., in place of A. D. Sanders, deceased.
Arthur T. Ward, Shiner, Tex., in place of Edmund Herder, retired.
Thomas Everett McClanahan, Slaton, Tex., in place of K. L. Scudder, removed.
Margie Hugonin, Tomball, Tex., in place of F. K. Rose, transferred.

VERMONT

Lois G. Hughes, Bomoseen, Vt., in place of C. J. Coon, retired.

VIRGINIA

Fitzhugh L. Davis, Altavista, Va., in place of L. A. Arthur, retired.
William L. Skinnell, Bedford, Va., in place of H. B. Jordan, retired.
Tousley M. Hooker, Berryville Va., in place of H. B. Harris, deceased.
Marian H. Gardner, Fredericks Hall, Va., in place of G. S. Pettit, retired.
Thomas W. Travis, Keysville, Va., in place of J. D. Crawford, resigned.
James M. McIntosh, Orange, Va., in place of P. M. Watts, retired.
Wilbur R. Johnston, Winchester, Va., in place of C. L. Campbell, transferred.

WASHINGTON

Murriel C. West, Lyle, Wash., in place of D. M. Hewett, retired.
Sadie B. Sands, Metaline, Wash., in place of D. L. George, resigned.
Clarence H. Currie, Monroe, Wash., in place of D. G. Donovan, removed.
Erma M. Newman, Napavine, Wash., in place of L. F. Bushnell, retired.
Earl D. Kelley, Newport, Wash., in place of J. H. Field, retired.
Walter S. Herstrom, Port Townsend, Wash., in place of E. M. Starrett, transferred.
Myrtle M. Prim, Ryderwood, Wash., in place of J. E. Clark, retired.
Irene Eva Weeks, Seahurst, Wash., in place of M. W. Carleton, retired.
Helen G. Young, Spanaway, Wash., in place of C. G. L. Phipps, retired.
Herbert A. Miller, Stevenson, Wash., in place of R. K. Morley, resigned.
Will K. Munson, Sunnyside, Wash., in place of C. A. Hughes, deceased.
Oscar L. Hanson, Vancouver, Wash., in place of E. N. Blythe, retired.
Thomas Stave, Yakima, Wash., in place of F. B. Wilkins, deceased.

WISCONSIN

Norman H. Lenselink, Clear Lake, Wis., in place of L. C. Holmes, resigned.
Alice J. Molstad, Clearwater Lake, Wis., in place of A. G. Murray, resigned.
Bert E. Thorp, Ephraim, Wis., in place of S. M. Hogenson, retired.
Robert G. Docken, Galesville, Wis., in place of C. E. Anderson, transferred.
James P. Darling, Genoa City, Wis., in place of J. M. Keuper, deceased.
Violet V. Polivka, Grand Marsh, Wis., in place of H. E. Hoskins, transferred.
John W. Arnold, Lake Geneva, Wis., in place of M. K. Powers, retired.
George A. Dorfmeister, Nashotah, Wis., in place of L. E. Brogle, resigned.
Hubert P. Gehrig, St. Nazianz, Wis., in place of J. W. Schnettler, deceased.
Charles H. Petersen, Salem, Wis., in place of M. E. Raditz, deceased.
Percy L. Norness, Stoughton, Wis., in place of H. F. Schumacher, retired.
Irene C. Riegert, Underhill, Wis., in place of Mabel Janssen, retired.
Herman J. Adler, Waunakee, Wis., in place of John Michels, deceased.