By Mr. MILLER of Nebraska:

H. J. Res. 297. Joint resolution authorizing and directing the Secretary of the Interior to liquidate the Puerto Rican Reconstruction Administration; to the Committee on Interior and Insular Affairs.

By Mr. REED of Illinois:

H. Res. 332. Resolution authorizing the Committee on the Judiciary to study and investigate the refugee and Europe's surplus-population problem pertaining to immigration; to the Committee on Rules.

By Mr. REED of Illinois:

H. Res. 333. Resolution authorizing expenses of conducting studies and investigations of certain matters pertaining to immigration; to the Committee on House Administration.

By Mr. DIES:

H. Res. 334. Resolution proposing a special committee to investigate the advisability of selling public property; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By Mrs. ROGERS of Massachusetts: Memorial of the House of Representatives of the General Court of Massachusetts to enact into law the principles of the Furcolo Federal scholarship plan; to the Committee on Education and Labor.

Also, memorial of the Massachusetts Senate to enact legislation liberalizing certain provisions of the law relating to immigration; to the Committee on the Judiciary.

Also, memorial of the General Court of Massachusetts in favor of the issuance of a commemorative stamp for Samuel Osgood; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT:

H. R. 6263. A bill to authorize the Secretary of Agriculture to convey certain lands in Alaska to the Rotary Club of Ketchikan, Alaska; to the Committee on Agriculture.

By Mr. COUDERT:

H. R. 6264. A bill for the relief of Leslie Krauss; to the Committee on the Judiciary.

H. R. 6265. A bill for the relief of Zoe Zitsa Casanova, also known as Zoe Riginos; to the Committee on the Judiciary.

By Mr. CURTIS of Nebraska:

H. R. 6266. A bill for the relief of Frank Robert Gage; to the Committee on the Judiciary.

By Mr. DORN of New York:

H. R. 6267. A bill for the relief of Paul Jordan (or Fryderyk Jakub Einaugler); to the Committee on the Judiciary.

By Mr. FINE:

H. R. 6268. A bill for the relief of Ervin Bard; to the Committee on the Judiciary.

By Mr. FISHER:

H. R. 6269. A bill for the relief of Lloyd W. C. Tang; to the Committee on the Judiciary.

By Mr. HOFFMAN of Illinois:

H. R. 6270. A bill for the relief of Gregory Livas; to the Committee on the Judiciary.

By Mr. PELLY:

H. R. 6271. A bill for the relief of Madaline Margaret Smith; to the Committee on the Judiciary.

By Mr. REES of Kansas:

H. R. 6272. A bill for the relief of Jean M. Leblon; to the Committee on the Judiciary.

By Mr. SHELLEY:

H. R. 6273. A bill for the relief of Mrs. Yayoi Tsukahara; to the Committee on the Judiciary.

H. R. 6274. A bill for the relief of Virgil Won (also known as Virgilio Jackson); to the Committee on the Judiciary.

By Mr. WARBURTON:

H. R. 6275. A bill for the relief of the Erie Railroad Co.; to the Committee on the Judiciary.

SENATE

TUESDAY, JULY 14, 1953

(Legislative day of Monday, July 6, 1953)

The Senate met in executive session at 12 o'clock meridian.

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

God our Father, whom we seek in all our need and through all the mystery and perplexity of life, without whom we cannot live bravely or well: Show us Thy will, we beseech Thee, in all the maze of paths our uncertain feet may take. As in prayer we draw near to Thee now, do Thou graciously draw near unto us, until we become more sure of Thee than of midday light. Come to us in the common life that entangles us, meet us in the thorny questions which confront us. Breathe through the things that are seen the peace of the unseen and eternal. Though the hope of a better world betimes seems forlorn, may we be found ready to be pioneers of it; without stumbling and without stain may we follow the gleam until the day is ended and our work is done, knowing that our labor is not in vain in the Lord. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Monday, July 13, 1953, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had passed a bill (H. R. 5877) to amend certain administrative provisions of the Tariff Act of 1930 and related laws, and for other purposes, in which it requested the concurrence of the Senate.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that after the Senate has resumed the consideration of legislative business, and following the quorum call, there may be the customary morning hour to permit Senators to transact regular routine business under the usual 2-minute limitation on speeches.

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

NOMINATIONS UNDER "NEW REPORTS"

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of nominations on the Executive Calendar under "New Reports."

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will state the nominations on the Executive Calendar under "New Reports."

UNITED STATES DISTRICT JUDGES

The Chief Clerk proceeded to read sundry nominations of United States district judges.

Mr. KNOWLAND. I move that the nominations of United States district judges be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of United States district judges are confirmed en bloc.

UNITED STATES ATTORNEYS

The Chief Clerk proceeded to read sundry nominations of United States attorneys.

Mr. KNOWLAND. I move that the nominations of United States attorneys be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of United States attorneys are confirmed en bloc.

UNITED STATES MARSHALS

The Chief Clerk proceeded to read sundry nominations of United States marshals.

Mr. KNOWLAND. I move that the nominations of United States marshals be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of United States marshals are confirmed en bloc.

PATENT OFFICE

The Chief Clerk proceeded to read sundry nominations in the Patent Office.

Mr. KNOWLAND. I move that the nominations in the Patent Office be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Patent Office are confirmed en bloc.

Mr. KNOWLAND. I move that the President be notified immediately of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith of the confirmation of the nominations.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. LANGER, from the Committee on the Judiciary:

Laughlin E. Waters, of California, to be United States attorney for the southern district of California, vice Ernest A. Tolin, elevated.

By Mr. MILLIKIN, from the Committee on Finance:

Harry D. Youse, of Indiana, to be collector of customs for customs collection district No. 40, with headquarters at Indianapolis, Ind.; and

Robert W. Dill, of New York, to be collector of customs for customs collection district No. 10, with headquarters at New York, N. Y.

By Mr. SMITH of New Jersey, from the Committee on Labor and Public Welfare:

Spencer Miller, Jr., of New Jersey, to be an Assistant Secretary of Labor; and

Harrison Hobart, of Texas, to be an Assistant Secretary of Labor.

POSITION OF SENATOR CASE ON RATIFICATION OF AGREEMENTS WITH THE FEDERAL REPUBLIC OF GERMANY

Mr. CASE. Mr. President, I ask unanimous consent to speak for not more than 2 minutes.

The PRESIDENT pro tempore. Under the rule, the Senator is recognized.

Mr. CASE. Mr. President, I rise to make a statement of my position on the question on which we voted last night—the ratification of four agreements with the Federal Republic of Germany. I do so, Mr. President, because I was occupying the chair at the time the final debate and the voting took place, and it was not possible for me to state why I voted as I did.

The RECORD only shows the two yea-and-nay votes; it does not show the vote of individual Senators on the ratification of the last 3 of the 4 agreements presented. I favored ratifying them, but I did not favor ratification of the first one voted on, the one that dealt with the external debt and involved private holders of securities issued by the Hitler government prior to World War II.

I voted against recommitting the agreements to the Committee on Foreign Relations, because I thought we were ready to decide the matter, and nothing was to be gained, indeed, time would be lost by recommittal.

Mr. President, no one could agree more strongly than I with the statement of the Senator from the Georgia [Mr. GEORGE] that it was "a monumental mistake for our Government in World War II to assume that because the Russians professed humanitarian principles, they were Democrats somewhat after our fashion, whereas they were not at all."

And I agree completely with the Senator's statement last night that another great mistake was "to destroy two great producing countries in the world outside our own continent, Germany and Japan, thereby creating a vacuum into which inevitably any nearby selfish, aggressive power would rush."

I not only think so now, but I thought so when the United States was making those mistakes and said so then.

I agree completely with the thesis that if Western Europe is to be secure against aggression from Russia, the bulwark must be supplied by the productive ability and the courage and resourcefulness of the German people.

So I wanted us to compose our claims as a government against the new Federal German Republic for the assistance given it since the war. It did not disturb me to vote for a settlement of postwar United States aid at 33 cents on the dollar when we were getting only 13 cents from England and 10 cents from Italy and 8 cents from France. But I saw no reason last night, and I see none now, for the Government of the United States approving a set-aside of German assets to insure payment at 100 cents on the dollar to the private holders of prewar German securities, with interest accumulated at 5½ percent.

That was the equivalent to recognition of a preferred claim such as public institutions have in the case of closed banks, and I saw no justification for it. Whatever the German Republic wishes to do or finds itself able to do in liquidating those securities I would say was their own business, but why the Government of the United States should be a party to making them a preferred claim on Germany's dollar assets in preference to the claims of our Government itself, I was unable to see on the basis of any explanation brought to my attention.

But my opposition to the ratification of such an agreement, Mr. President, was not an opposition to the ratification of the other three agreements and because there was a yea-and-nay vote only on the first agreement, I desired to make my full position a matter of record.

AGREEMENT ON GERMAN EXTERNAL DEBT—LIST OF AMERICAN OWNERS OF GERMAN DOLLAR BONDS WITHHELD

Mr. WILEY. Mr. President, last Thursday, when the Senate was discussing the then pending German debt settlement, it was suggested that inquiry be directed to the Treasury Department to ascertain whether records of the holders of German bonds could be examined by the committee. The letter received in reply was available during our debate yesterday, but was not placed in the RECORD. I therefore ask unanimous consent that the letter from the Treasury Department, dated July 13, 1953, be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

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

TREASURY DEPARTMENT,
Washington, July 13, 1953.

Hon. ALEXANDER WILEY,
Chairman, Committee on Foreign Relations, United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: With regard to the several proposed agreements on German debt, which were debated in the Senate on July 9, 1953, Dr. Francis O. Wilcox, chief of staff of your committee, has inquired whether a list of persons in this country owning German dollar bonds is available from the census of American-owned foreign property taken by this Department in 1943, as was suggested in the remarks of Senator WILLIAMS reported on page 8337 of the CONGRESSIONAL RECORD.

After the most careful consideration, this Department feels obliged to advise you that such a list cannot be made available. The census reports have always been regarded by this Department as highly confidential for the same reasons that have motivated the Congress to restrict the use of income tax returns. In effect, both the Congress and this Department have recognized that the ordinary desire for privacy in both business and personal affairs may be a deterrent to full and complete disclosure to the Government unless adequately safeguarded. At the time the census was taken, assurances were given to persons reporting that the confidential nature of their reports would be fully respected.

This Department would be willing to make the reports available for inspection by a representative of the Senate provided it was definitely understood that the names of reporters or any other particular data relative to them would not be made public in any way. We wish to point out, however, that any detailed inspection would involve substantial time and expense since there are some 15,000 reports relating to German dollar bonds and the file from which these reports would have to be culled contains some additional thousands of reports by persons holding German property other than dollar bonds.

It may be useful to recall some of the statistical results of the census on form TFR–500 with regard to German dollar bonds. Eighty-three-and-four-tenths-million dollar par value of such bonds was reported as owned by persons in the United States. It is the belief of this Department that this amount represented about 75 percent of such bonds actually owned in this country as of the reporting date, June 1, 1943. It is also the belief of this Department that the amounts actually reported included all large holdings of such bonds on the reporting date and that the portion of the bonds not reported was held by relatively numerous small investors scattered throughout this country, to whom it was extremely difficult to convey knowledge of the reporting requirements despite extensive efforts to disseminate information.

At this point, to avoid confusion, it is desirable to make clear the relationship of this $83.4 million figure to the total amount of German debt held in this country, namely, $546.6 million, as shown in table II on page 4 of Executive Report No. 3, submitted on July 3, 1953, by the Committee on Foreign Relations. This total is composed of four categories of obligations, dollar bonds (both governmental and corporate), other Government obligations, including the Mixed Claims Commission awards, standstill debts, and miscellaneous and commercial debts. Dollar bonds account for about $287 million of the total. This figure, which is based on all sources of information available to the Government, compares approximately with the $83.4 million reported on the census when allowance is made for omissions from the census, for unpaid interest, which may somewhat exceed the outstanding principal, and for the possibility that some of the bonds are held abroad.

As is indicated on page 13 of Executive Report No. 3, the $83.4 million of bonds was reported in 25,409 separate holdings, averaging $3,300 apiece. Of these holdings, 21,366 were by individuals for a total of $56.6 million, or an average of approximately $2,700 per holding; 2,575 by estates and trusts for a total of $9 million, or an average of approxi-

mately $3,600; 1,457 by business concerns for a total of $17.7 million or an average of approximately $12,200. A table showing the geographical distribution of the holdings reported on the census also appears at page 13 of the committee report.

Certain other statistical results of the census may be of interest. An analysis made by this Department shows the percentage distribution of the par value of such bonds by class of issue and type of owners, as follows:

Jurisdiction and class of issue	Individuals	Estates and trusts	Corporations and nonprofit organizations
GERMANY			
National	61	10	29
Government-guaranteed	75	11	14
Corporate	74	12	14

This Department has no reason to believe that the broad pattern has changed substantially since the time of the census. Throughout the period in question there has been no trading in these bonds on the securities markets of this country nor in any regular over-the-counter market because of the request of the Securities and Exchange Commission that registered securities dealers refrain from such trade. Banks and insurance companies could not buy the bonds because they were not eligible investments, being in default. There may, of course, have been private sales of bonds or changes in ownership due to the death of holders, but no major shifts between categories of holders have come to the attention of this Department.

Sincerely yours,

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

LEGISLATIVE SESSION

Mr. KNOWLAND. I move that the Senate proceed to the consideration of legislative business.

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

CALL OF THE ROLL

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

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

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Flanders	Knowland
Anderson	Frear	Kuchel
Barrett	George	Langer
Beall	Gillette	Lehman
Bennett	Goldwater	Long
Bricker	Gore	Magnuson
Bridges	Green	Malone
Bush	Griswold	Mansfield
Butler, Md.	Hayden	Martin
Butler, Nebr.	Hendrickson	McCarran
Byrd	Hennings	McCarthy
Capehart	Hickenlooper	McClellan
Carlson	Hill	Millikin
Case	Hoey	Monroney
Chavez	Holland	Mundt
Clements	Hunt	Murray
Cooper	Ives	Neely
Cordon	Jackson	Pastore
Dirksen	Jenner	Payne
Douglas	Johnson, Colo.	Potter
Duff	Johnson, Tex.	Purtell
Dworshak	Johnston, S. C.	Robertson
Eastland	Kefauver	Russell
Ellender	Kennedy	Saltonstall
Ferguson	Kerr	Schoeppel
Smathers	Symington	Welker
Smith, Maine	Thye	Wiley
Smith, N. J.	Tobey	Williams
Sparkman	Watkins	Young

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. TAFT] and the Senator from Oregon [Mr. MORSE] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from Texas [Mr. DANIEL], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from West Virginia [Mr. KILGORE], and the Senator from Mississippi [Mr. STENNIS] are absent by leave of the Senate.

The Senator from Minnesota [Mr. HUMPHREY] and the Senator from South Carolina [Mr. MAYBANK] are absent on official business.

The PRESIDENT pro tempore. A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON WAR-RISK PROVISION OF CERTAIN MARINE AND LIABILITY INSURANCE FOR AMERICAN PUBLIC

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of war-risk, certain marine and liability insurance for the American public, for the quarter ended June 30, 1953 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

ACCEPTANCE, OPERATION, AND MAINTENANCE OF A CERTAIN DEFENSE HOUSING FACILITY BY THE COAST GUARD

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Coast Guard to accept, operate, and maintain a certain defense housing facility at Cape May, N. J. (with an acompanying paper); to the Committee on Interstate and Foreign Commerce.

REPORT OF NATIONAL MUNITIONS CONTROL BOARD

A letter from the executive secretary, National Munitions Control Board, transmitting, pursuant to law, a confidential report of that Board, for the period July 1, 1952, to December 31, 1952 (with an accompanying report); to the Committee on Foreign Relations.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders issued to certain aliens for temporary admission into the United States (with accompanying papers); to the Committee on the Judiciary.

AUDIT REPORT ON PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

A letter from the Acting Comptroller General, transmitting, pursuant to law, an audit report on the Panama Canal Company and the Canal Zone Government, for the year ended June 30, 1952 (with an accompanying report); to the Committee on Government Operations.

PETITION

A petition was laid before the Senate, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Foreign Relations:

"Joint resolution memorializing the Congress of the United States to authorize immediate development of the St. Lawrence seaway project

"Whereas for many years past, the governors and legislatures of the State of Wisconsin, regardless of political affiliation, have recorded their support for the development of the St. Lawrence seaway and power project, reflecting the almost unanimous support of the citizens of Wisconsin; and

"Whereas the St. Lawrence seaway will open the Great Lakes to navigation by seagoing vessels, and will provide better access to the markets of the world for the produce of Midwest farms, factories, mines and shipyards; and

"Whereas the power resources of the St. Lawrence river now running unused into the sea should be harnessed without further delay for national defense production and for the industrial expansion of the United States and Canada; and

"Whereas the imminent depletion of the Mesabi Range threatens the future of the Great Lakes steel industry and of the many allied industries dependent thereon; and

"Whereas the national defense aspects of the St. Lawrence seaway project have been certified to Congress by the national defense agencies, and its economic importance has been certified to the Congress by every President of the United States since William Howard Taft; and

"Whereas the Dominion of Canada has clearly indicated its intention to proceed with the development of the St. Lawrence on a unilateral basis unless the United States promptly takes necessary action to authorize joint development of this great resource in cooperation with our good neighbor and ally, Canada: Now, therefore, be it

"Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin memorialize the Congress of the United States to enact legislation as necessary to authorize development of the power and navigation resources of the Great Lakes-St. Lawrence Waterway as a project essential to the public interest and to the national defense; and, be it further

"Resolved, That this legislature memorialize the President of the United States to lend his personal leadership and influence to the undertaking and completion of this great project for the national defense and for the economic health of the Nation; and, be it further

"Resolved, That this legislature hereby authorizes and directs His Excellency, the Governor, and the Wisconsin deep waterways commission to take any and all steps necessary on behalf of the State of Wisconsin to advance the cause of the St. Lawrence seaway and power project and to join efforts of this State with those of other States in the Great Lakes Basin to the end that this project may be carried to completion without further delay; and, be it further

"Resolved, That this legislature will sanction and support all measures of cooperation necessary with the Federal Government or with adjoining States in the Great Lakes Basin for the implementation of enabling legislation, and for the future maintenance and operation of the Great Lakes-St. Lawrence seaway and power project; and, be it further

"Resolved, That properly attested copies of this resolution be sent to the President, to the clerk of each House of Congress, and to each Wisconsin Member thereof.

"ORA R. RICE,
"Speaker of the Assembly.
"ARTHUR L. MAY,
"Chief Clerk of the Assembly.
"GEORGE M. SMITH,
"President of the Senate.
"THOMAS M. DONAHUE,
"Chief Clerk of the Senate."

USE OF INSCRIPTION "IN GOD WE TRUST" ON POSTAGE STAMPS—RESOLUTION OF WALSH AERIE 2803, FRATERNAL ORDER OF EAGLES, GRAFTON, N. DAK.

Mr. LANGER. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Walsh Aerie, No. 2803, Fraternal Order of Eagles, Grafton, N. Dak., favoring the enactment of legislation providing for the use of the inscription "In God We Trust" on postage stamps.

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

Whereas our postage stamps do not bear the inscription "In God We Trust" while our coinage does; and

Whereas our postage stamps reach into millions of foreign homes and offices in which our coinage is never seen; and

Whereas postage stamps, on which the inscription "In God We Trust" will be printed, can be an effective means of describing the fundamentally spiritual nature of this country to all nations of the world; and

Whereas in our current struggle against the irreligious philisophy of communism, it is important that we pray to God for help; and

Whereas many foreign nations do not consider Americans basically religious; and

Whereas such postage stamps would serve to remind our own people of their debt to God; and

Whereas Hon. MIKE MANSFIELD, United States Senator from Montana, who is a member of the Fraternal Order of Eagles, has introduced a bill into the Senate instructing the Post Office Department to place the inscription "In God We Trust" on all of our postage stamps: Now, therefore, be it

Resolved, That the officers and members of Walsh Aerie, No. 2803, of the Fraternal Order of Eagles in Grafton, N. Dak., hereby express their endorsement of this legislation with the recommendation that it be given speedy attention and prompt passage.

CHARLES JOHNSTON,
Worthy President,
E. R. NYMAN,
Secretary.

SUPPORT PRICES FOR FARM PRODUCTS—RESOLUTION OF DIVIDE COUNTY (N. DAK.) FARMERS UNION

Mr. LANGER. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Divide County Farmers Union, Alamo, N. Dak., relating to support prices for farm products.

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

ALAMO, N. DAK., *February 16, 1953*.
Hon. WILLIAM LANGER,
Washington, D. C.:

Harmony Local of the Divide County Farmers Union unanimously adopted the following resolution:

"We believe that the farmer-elected committee must always constitute the basis of the administration of all our farm programs.

"We believe that our farm price support loan program should be based on 100 percent of a true parity. Our present support price of 90 percent of old parity is already dangerously low, as shown by the now rapidly rising farm mortgage debt.

"We deplore attempts to use the so-called modernized parity formula of the 1949 Farm Act. The application of this formula can only serve to further depress farm prices and income.

"We wish to reaffirm our long-standing opposition to the universal military training.

"We urge that continued appropriations be made for REA and RTA program."

Sincerely,
Mrs. JOHN H. KARLBERG,
Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WELKER, from the Committee on the Judiciary:

S. 2137. A bill to prohibit the blending of wheat imported as unfit for human consumption with wheat suitable for human consumption; with amendments (Rept. No. 523).

By Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, without amendment:

H. R. 233. A bill to release all the right, title, and interest of the United States in and to all fissionable materials in certain land in Marion County, Ind. (Rept. No. 524);

H. R. 1991. A bill relating to certain construction-cost adjustments in connection with the Greenfields division of the Sun River irrigation project, Montana (Rept. No. 525); and

H. R. 2779. A bill to provide for perfecting the title of C. A. Lundy to certain lands in the State of California heretofore patented by the United States (Rept. No. 526).

By Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1197. A bill granting the consent of Congress to the negotiation by the States of Nebraska, Wyoming, and South Dakota of certain compacts with respect to the use of waters common to two or more of said States (Rept. No. 527);

S. 1433. A bill to extend the benefits of certain provisions of the Reclamation Project Act of 1939 to the Arch Hurley Conservancy District, Tucumcari reclamation project, New Mexico (Rept. No. 528);

S. 2220. A bill to amend section 28 of the act of February 25, 1920, as amended, so as to provide certain exemptions from the requirement that pipelines having rights-of-way over public lands must be operated as common carriers (Rept. No. 578); and

H. R. 1802. A bill to amend the act of Congress approved March 4, 1915 (38 Stat. 1214), as amended (Rept. No. 529).

By Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, with amendments:

S. 727. A bill to provide that certain costs and expenses incurred in connection with repayment contracts with the Deaver, Willwood, and Belle Fourche irrigation districts shall be nonreimbursable (Rept. No. 530); and

S. 887. A bill to permit the exchange and amendment of farm units on Federal irrigation projects, and for other purposes (Rept. No. 531).

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

S. 61. A bill for the relief of Hedwig Marek and Emma Elizabeth Marek (Rept. No. 533);

S. 323. A bill for the relief of Rose Cohen (Rept. No. 534);

S. 541. A bill to extend detention benefits under the War Claims Act of 1948 to employees of contractors with the United States (Rept. No. 580);

S. 550. A bill for the relief of Thomas O. Robitscher (Rept. No. 535);

S. 563. A bill for the relief of Ronald Lee Shields (Rept. No. 536);

S. 569. A bill for the relief of Lina Anna Adelheid (Adam) Hoyer (Rept. No. 537);

S. 596. A bill for the relief of Alfonso Albano (Rept. No. 538);

S. 672. A bill for the relief of Agostino Giusto (Rept. No. 539);

S. 825. A bill for the relief of Karin Rita Grubb (Rept. No. 540);

S. 1009. A bill for the relief of Zoltan Weingarten (Rept. No. 541);

S. 1281. A bill for the relief of Emmanuel Aristides Nicoloudis (Rept. No. 542);

S. 1955. A bill for the relief of Giorgio Salvini Thompson (Rept. No. 543);

H. R. 665. A bill for the relief of N. A. G. L. Moerings, Mrs. Bertha Johanna Krayenbrink Moerings, and Lambertus Karel Aloysius Josef Moerings (Rept. No. 544);

H. R. 674. A bill for the relief of Irene F. M. Boyle (Rept. No. 545);

H. R. 765. A bill for the relief of Tien Koo Chen (Rept. No. 546);

H. R. 779. A bill for the relief of Ida Baghdassarian (Rept. No. 547);

H. R. 781. A bill for the relief of Johanna C. Willemsen (Rept. No. 548);

H. R. 819. A bill for the relief of Monika Klein (Rept. No. 549);

H. R. 820. A bill for the relief of Mrs. Pia Biondi (Rept. No. 550);

H. R. 847. A bill for the relief of Robert J. Rickards, Conception Sotelo Rickards, and Walter John Rickards (Rept. No. 551);

H. R. 892. A bill for the relief of Betty Robertson and Irene Robertson (Rept. No. 552);

H. R. 978. A bill for the relief of Harue Fukuhushi (Rept. No. 553);

H. R. 1106. A bill for the relief of Hannelore Mayerl Fulbright (Rept. No. 554);

H. R. 1143. A bill for the relief of Mary Francina Marconi, Fernanda Guzzi, Anna Ferraro, Mary Laudano, and Julia Pisano (Rept. No. 555);

H. R. 1211. A bill for the relief of Isak Benmuvhar (Rept. No. 556);

H. R. 1330. A bill for the relief of Mrs. Liane Lieu and her son, Peter Lieu (Rept. No. 557);

H. R. 1886. A bill for the relief of Paul Myung Ha Chung (Rept. No. 558);

H. R. 2160. A bill for the relief of Clemintina Ferrara, Maria Garofalo, Rosetta Savino, Maria Serra, Albina Zamunner, and Fedora Gazzarrini (Rept. No. 559);

H. R. 2351. A bill for the relief of Sam Rosenblat (Rept. No. 560);

H. R. 2392. A bill for the relief of Lee Kwang Nong (George Clifford Roeder) (Rept. No. 561);

H. R. 2506. A bill for the relief of certain members of the Missionary Sisters of the Sacred Heart (Rept. No. 562);

H. R. 2652. A bill for the relief of Constance Brouwer Scheffer (Rept. No. 563);

H. R. 2787. A bill for the relief of Hosefine Hoorn (Dmytruk) (Rept. No. 564);

H. R. 3670. A bill for the relief of Mrs. Julia Gamroth (Rept. No. 565); and

H. R. 4110. A bill for the relief of Mrs. Marie Weir (Rept. No. 566).

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

S. 205. A bill for the relief of Evdoxia J. Kitsos (Rept. No. 567);

S. 850. A bill for the relief of Alice Power and Ruby Power (Rept. No. 568);

S. 1704. A bill for the relief of Christina Pantelis Triantafilu (Rept. No. 569);

H. R. 1459. A bill for the relief of Mrs. Mildred G. Kates and Ronald Kates (Rept. No. 570); and

H. R. 1963. A bill for the relief of Anneliese Schillings (Rept. No. 571).

By Mr. TOBEY, from the Committee on Interstate and Foreign Commerce:

S. 539. A bill to authorize the Interstate Commerce Commission to make mandatory the installation of certain railroad communication systems; with an amendment (Rept. No. 572).

By Mr. KUCHEL, from the Committee on Public Works:

S. 2342. A bill authorizing the State of California to collect tolls for the use of certain highway crossings across the bay of San Francisco; without amendment (Rept. No. 573).

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

S. 1456. A bill to amend the act entitled "An act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory," approved May 7, 1928, as amended (Rept. No. 574); and

S. 1866. A bill to amend sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to identify the drug known as aureomycin by its chemical name, chlortetracycline (Rept. No. 575).

By Mr. MILLIKIN, from the Committee on Finance:

H. R. 5898. A bill to extend until December 31, 1953, the period with respect to which the excess-profits tax shall be effective; without amendment (Rept. No. 576).

By Mr. PAYNE, from the Committee on the District of Columbia:

H. R. 2236. A bill for the establishment of a Commission on Area Problems of the Greater Washington Metropolitan Area; with additional amendments (Rept. No. 581).

DISPOSAL OF RUBBER PLANTS—REPORT OF A COMMITTEE

Mr. CAPEHART. Mr. President, from the Committee on Banking and Currency, I report favorably, with amendments, the bill (S. 2047) to amend the Rubber Act of 1948, as amended, to provide for the sale of Government-owned rubber-producing facilities, to repeal and modify certain of its provisions affected thereby, and for other purposes, and I submit a report (No. 579) thereon.

On behalf of the Committee on Banking and Currency, I ask unanimous consent that the minority may have until 12 o'clock tonight to submit their views, and that when they are submitted they may be printed with the majority report.

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar; and, without objection, the request to submit the minority views by 12 o'clock tonight and have them printed with the majority report is granted.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS—REPORT OF A COMMITTEE

Mr. LANGER. Mr. President, from the Committee on the Judiciary, I report an original concurrent resolution, favoring the suspension of deportation of certain aliens, and I submit a report (No. 532) thereon.

The PRESIDENT pro tempore. The report will be received, and the concurrent resolution will be placed on the calendar.

The concurrent resolution (S. Con. Res. 41) was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation for more than 6 months:

A–5062228, Afendakis, Leonardo Andrew.
A–3664160, Ali, Mohazid or Mozahia Ali.
99307/719, Alvarez-Rodriguez, Delfin or Delfin Alvarez.
A–1636552, Alves, Joao or John.
A–4625616, Amico, Anthony D' or Antonio D'Amico or Antonio D'Amico.
A–5960217, Angioi, Battista.
A–9634235, Antipuna, Fortunato Mahilum or Fortunato Majilum Antipona.
A–9663816, Antonio, Manuel.
A–9666231, Apfel, George Johann or John or George Apfel.
A–6425673, Aslanidis, Emil Christopher.
A–2354317, Austrian, Ludwig Autzinger.
A–2708231, Balsis, Harry.
A–6064008, Banuelos-Rivera, Carlos.
0900–59275, Barland, Felipe Mercedes or Felipe De Las Mercedes Diaz-Valdez.
A–43700797, Barreiro-Lopez, Francisco.
1500/41615, Barrera-Pena, Santiago.
A–3109138, Bebber, Erich Oskar or Eric Oscar Beber.
A–1556538, Bello, Enrique Delgado or Enrique Delgado Acosta.
A–4632413, Belmontes-Mora, Miguel or Ricardo Belmontes or Rafael Belmontes.
A–4192899, Benderly, Maurice O. or Margarit Benderly or Margit Odisha Benderly.
A–7886442, Bertoni, Giovanni or Giovanni Benedeto Bertoni.
A–9737492, Bingue, Eugene Laurent Justin.
T–1892184, Boldt, Harry Heinrich.
T–2072702, Booher, Winnifred Gwendolyn nee Brown or Gwen Booher or Gwen Brown.
T–2760176, Browne, Remedios Reyes.
T–2760949, Browne, Nellie Reyes.
T–2760950, Browne, Anthony Reyes.
T–2760951, Browne, Emily Reyes.
A–2687148, Buratti, Lorenzo Anthony.
1500/42467, Caballero-Samudio, Miguel.
1500/42466, Murillo, Maria Dolores.
A–1290634, Calvin, Rita May nee Cooper formerly Williams or Johnson.
A–7137150, Camarillo, Encarnacion.
A–7137119, Camarillo, Romelia.
A–7137120, Camarillo, Hector Francisco.
A–7137121, Camarillo, Luz Elena.
A–7137122, Rico, Guadalupe.
A–6973996, Carlson, John.
A–6619108, Carrillo, Josefina.
A–3625562, Cassenaar, William John.
A–6873339, Castillo, Victoria Vivane Bronstein De.
T–819819, Castro, Marta or Marta Fernandez y Lopez.
A–7398918, Castro-Nambo, Jose Apolinar or Jose A. Castro.
A–8233992, Cerda-Martinez, Guadalupe.
T–84503, Chan, Sung Hi.
A–7755532, Chao, Ju Chi.
A–7863135, Chen, Edith Ihua or Edith Ihua Chao.
A–6257603, Cheung, Lam or Cheung Lam.
A–3950874, Chong, Yong.
A–7060494, Chu, Yaohan or Yao-Han Chu.
A–6224485, Chu, Elizabeth Wann or Chien Wen Chu nee Wann.
A–8227996T, Chung, Kwong or Stanley Kwong Chung.
1600–99815, Cifuentes-Arriola, Juan Jose or Juan Jose Carrion-Arreola.
A–9166407, Clamor, Peter Orga.
A–2415435, Correia, Gabriel Mendes or Gabriel Mendes.
A–5762780, Dalesecky, Florian John or Fred J. Delke.
A–6948131, Danhaus, Elizabeth Robles.
A–5854657, Davis, Tillie or Tillie Richmond nee Taube Alexandrovicaite or Tillie Alexsender.
0300–227416, Decsaby, Laszlo.
T–2314903, Demopoulos, Marika.
A–6794955, Deutch, Rachel Barouch.
A–1577126, Dimitri, Ivan or John Dimitroff.
A–7966242, Dionicio-Avila, Jose or Jose Avila-Dioncio.
A–8259461, Dolgan, Francesco or Frank Dolgan.
A–5945622, Dong, Cheng King or Ching King Dong.
A–7092745, Drezler, Vojech or Bela.
A–2959533, Duhr, Theodor Erich.
A–6811621, Edquiban-Mendigoren, Ernesto.
T–2672505, Espinoza, Florencia Guzman de.
A–4611217, Fantini, John Raffaele or Giovanni Rafeolo Fantini.
A–5777219, Farrell, William.
A–6694196, Fastag, Johanna or Phastag nee Johanna Edith Henoch.
A–2919060, Fernandes, Apresentacao.
A–7469942, Fernandez, Lucia Villalobos de.
A–7039917, Fernandez, Manuela.
A–8091091, Fernandez-Rios, Manuel or Manuel Fernandez.
A–7039697, Fitzgerald, James Louis or James Louis Clarkson or Leroy Spence Clarkson.
A–7117528, Fokianos, Angelo or Fokianis.
V–938987, Fornaciari, Luigi.
A–1322964, Fountos, Nick or Nicholaos Fountos.
A–4861728, Fox, Ethel nee Lvovitch.
0400/34248, Frank, Anna Marie.
A–5966259, Fredericks, Eunice Eglantine nee Thomas.
T–1497438, Fuchiwaki, Sam Harushi.
A–4383322, Garcia, Frances Delgado de or Francisca Apodaca or Frances Garcia.
A–7398209, Garcia-Bustos, Antonio.
A–7398187, Garcia, Juana Hernandez de.
0300–412212, Gareh, Miriam nee Miriam Hearsch.
0707–7996, Gecsei, Brigitta Eva or Brigitta Eva Szabo.
T–1892800, Georgiou, Charles Costas or Charles Cerefero or Charles Pollis or Charles.
1535/705, Gonzalez, Refugio Galindo De.
A–3618063, Granick, Mollie or Mollie Granik or Mollie Diamond or Mollie Rudolph or Mollie Rudolf.
T–2334275, Green, Adelaida Razal.
A–7995667, Green, Frank Frederick.
A–9074996, Hansen, Svend Valdemar.
1600–102271, Harris, Carmela.
A–8002487, Heikkila, John Wilhelm or Johan or Jukka Wilhelm Heikkila.
A–4708586, Henrikson, Isador.
A–7420846, Hernandez, Alberto.
1501/5798, Hernandez, Froilan.
T–303612, Hernandez, George Roa.
A–7445396, Hernandez-Marquez, Krasmo.
T–2643803, Herrera, Jesus Gonzalez.
A–8217668, Hervas, Victor Augusto.
A–4517199, Hetsch, Konstantin or Konstantin Charles Hatch or Charles K. Hatch.
T–1892798, Hip, Moy You or You Hip Moy or Frank Moy or Moy Chuch Nom.
A–8313509, Hoey, Annie Maria nee Finnerty.
A–6822961, Ippolito, Nicola D'.
V–1250071, Issis, Odeh Hanna.
0300–354044, Ivanes, Hidalberto Gonzales.
0300–402512, Jack, Wong.
A–5964238, Jacobi, Arthur.
A–5964237, Jacobi, Erna.
A–5964239, Jacobi, Ursula.
T–1892799, Jasbitz, Marcello.
A–9782685, Jobo, Elelue Abiodu or Gabrada Jobo.
A–5070317, Jurma, Trandafir Traian or Trandafir Jurma.
A–8193540, Kaczmarek, Jan Michal Zdzibor.
A–0947345, Kaczmarek, Paciencia Ildefonsa (nee Fernandez Ruiz).
A–2086745, Kakiuchi, Tsuneshichi.
A–2823955, Kayayan, Bedros.
A–6920531, Kelly, Gordon Scott.
0200–102806, Ken, Lim or Lin Ar Hing.
A–6753062, Kennedy, Beverley Lillian Trenhaile.
A–7691223, Kostka, Hildegard.
A–9025173, Kounoupiotis, Theodoro Dimitrious or Ted Counnis.
A–3167117, Koy, Louie.
A–3193648, Kui, Chong.
T–2659485, Kwong, Ma or Kong or Gong.
A–1323629, Lamela, Manuel or Manuel Joseph Lamela.
A–6708843, Lapides, Louis Bernard or Leiser Beer Lapides.
V–753959, Lau, You Tin or Bartholomew Lau.
A–6817531, Lawrence, Oswald.
0800–91500, Lawson, Dudley George.
A–7367922, Leal, Efren.

A–6639325, Leal, Enedina Acosta de.
A–7367923, Leal, Ruben.
A–7367924, Leal, Raquel.
V–860926, Lee, Bao Yung or Lee Bao Yung.
T–2760206, Lee, Roslaie Jo-Li Shia or Sha Tsai Lee.
A–5433990, Lilly, Joseph Alexander.
A–5456782, Lim, Eng.
A–6882168, Look, Richard Gregory or Mang Shiu Look.
A–6848056, Look, Rose Tan (nee Tan Kung Bik).
A–9539023, Lopes, Antonio.
A–5257815, Lopes, Domingos Da Silva.
1500/48044, Lopez, Enrique.
1500/48045, Lopez, Marcela Duenas De.
A–9681388, Loy, Au or Loi Au or Au Loi or O Loi.
T–1735013, Lueiro, Aleida Estrella Marrero y Azcuy De.
A–7450200, Lujan, Atilano.
A–7450201, Lujan, Juana.
A–4469140, Lyons, Maude Eveyln or Ivey Evelyn Lyons.
A–3335189, Maccari, Italo.
A–6426980, Maldonado, Dulcina Aragones nee Liranzo.
A–3049310, Marczek, Frank or Franciszek Emanuel Marczek.
A–5471139, Marquez, Zobeida Valenciz de or Sophy Marquez.
A–7122052, Marquez-Gonzalez, Alfredo.
A–1391233, Marx, Herbert Edgar.
A–7290914, Matthews, Helen nee Lembessis.
A–7495029, McNeil, Jesse Lane.
A–2980615, Medina, Eduarda Vargas De.
A–3595472, Melonas, Peter Demetri.
A–6808043, Miller, Noel Alexander.
A–7445308, Mireles-Gallegos, Eustacio.
A–7445511, Mireles, Hortencia Blanco De.
1409–14682, Mireles-Blanco, Francisca.
1409–14682, Mireles-Blanco, Hortencia.
A–7423112, Molina-Vasquez, Guillermina or Guillermina Molina or Guillermina Molina de Gonzalez.
0301–201114, Moon, Lee.
A–4411264, Morales-Rojas, Delfino.
A–4546265T, Mori, Ishiko Shibuya.
A–7031089, Mori, Yosuke.
A–2549676, Moriyama, Sakujiro or Koshiro Kohama.
T–2695176, Morquecho-Ramirez, Enrique or Henry Morquecho.
A–8259888T, Moschouris, Vassilios or Moshouris or Bill Moschouris.
A–5497490, Munoz, Guadalupe Orozco Vda de
1500/46873, Munoz, Soledad Diaz De.
A–6039777, Munoz-Ochoa, Rafael.
V–1522317, Munson, Adelina Kalingo or Adelina Kalingo.
T–2760809, Nagai, Tsuru.
0300–416343, Naidoo, Alfred Thang or Thang Naidoo or T. A. Naidoo.
A–4337279, Nestler, Arthur Paul.
1500/35397, Nevarez, Angel.
A–6925907, Nielsen, Henry.
A–5439705, Nikas, Gost or Constantin Sapanas or Gost Sapanas.
0707–9237, Nodal-Reyes, Salvador or Phillip Salvador Reyes.
A–4664689, Norman, Mary Pauline.
A–3357975, Nowakowska, Genevieve or Virginia Nowak.
A–9799920, Olivares, Jesus Aldequer.
1600–102277, Olivarez-Garcia, Luis.
0400–46329, Olsson, Shigeko Kumoi.
T–2760808, Omori, Shigeko.
A–9519134, Opdebeck, Benoit or Benedict Opdebeck.
A–6566090, Oropeza, Mary nee Richardson.
A–5436586, Orzco, Manuel.
A–2985563, Palma, Nunzio de or Rocco Iacovelli.
A–5980949, Paredes, Francisca Nogales de nee Francisa Nogales-Flores or Francisca Nogales de Muniz.
A–7243882, Parsons, Konstanse Alsine Marie nee Konstanse Adolfsen.
A–6951387, Patrinos, Theodoros Demettrios.
A–1081375, Pekich, Jack or Jakov Pekich (Pekic).
A–6048913, Perez-Bueno, Roberto Rodrigo or Roberto Perry or Robert Perry.
0612–21886, Perez-Cornejo, Juan.
A–6881990, Petrovitsis, Demitrios.
A–4644576, Philp, Joseph Irving.
A–9706626, Pioche, Agnan Prosper.
A–2946254, Poulakis, George Filippos.
A–5919765, Powell, Edward Victor.
1600–101348, Poyuti, Pirkko Aiuinki.
1500/40294, Provencio, Bertha.
A–3569852, Racicot, Joseph.
A–7140482, Raimondi, Rosario.
V–338265, Rathbun, Harriet Louise.
A–9541936, Rebelo, Armando.
A–2558247, Rega, Vincenzo.
A–1118189, Rheaume, Delphis Fernand.
V–938981, Rinaldi, Aldo.
V–1484321, Rios, Marie Isidore nee Isidore.
T–2672512, Rivas-Dominguez, Alfonso.
A–7367094, Rivera-Avila, Gustavo.
A–7366933, Rivera, Felipa Loera de.
1304–1836, Robles-Lugo, Martin.
T–2809520, Rodriguez, Flora Castineria.
A–3247561, Rosso, Pantaleo Del.
T–2672510, Rubio-Castro, Jesus.
A–4391852, Ruggeri, Salvatore or Sam Ruggeri.
A–6448958, Saar, Hugo Robert.
T–2760833, Saito, Henry Juichi or Hajime Hirayama.
1600–99820, Salas-Enriquez, Eduardo or Eduardo Enriquez-Salas.
V–1430038, Salviejo, Petra Viloria.
A–7417251, Sanchez, Alberto Miguel.
A–5371352, Sanchez, Manuel.
1500/47956, Sapien, Gregoria Esquivel De.
A–3529667, Savala-Rivas, Jose Estanislao.
A–9944469, Shestakoff, Fedor Slexeevich or Fedor Aleexiovich Shestakoff or Freddy Shestakoff.
A–5267088, Sierra, Maria.
T–1495417, Singh, Harnam.
A–4996580, Sizer, Henry James Ole.
0800–92215, Sorbutts, Claude Michael.
0700–14944, Soures, John Nicholas or Ioannis Soures.
A–5911269, Sousa, Artur Da Costa De.
A–6943635, Spanoudakis, Constantinos or Gust or Costas Spanoudakis.
A–2775229, Speede, St. Clair Emmerson or Arthur Baptiste or Robert St. Clair.
A–1471128, Spyropoulos, Athanasios P.
A–6022325, Stanic, Kristo or Krsto Stanic.
A–5972835, Steele, Altagracia (nee Woodley).
A–6455877, Suarez, Elsa Alvarez (nee Elsa Mercedes Alvarez Pichardo).
A–6052157, Suarez, Juan Antonio or Juan Antonio Suarez Fagundo.
A–9706484, Tai, Chow or Tai Chow.
1600–100275, Talavera, Celia Lechuga de.
A–7297173, Tarango, Magdalena.
A–7297176, Estrada, Rosa Maria.
A–7297174, Estrada, Filiberto.
A–7297175, Estrada, Rogelio.
A–7036041, Tarin-Sigala, Luz.
A–4599989, Tokoth, Andrew or Harry Tokath or Andrew Takash or Andrew Tokoch.
A–7362653, Toman, Kurt Karl.
A–6555985, Toman, Nathalie nee Borman.
A–6658203, Treviso, Juan.
A–4533718, Trottier, Marie Claire Emilienne or Claire Trottier.
T–2760834, Turner, Frieda Josephine.
A–6859255, Uribe-Quintana, Humberto.
1512/139, Vargas-Riojas, Rosendo.
A–7445553, Villanueva, Emilia Camacho De.
A–6744188T, Vitello, Jacqueline Juliette Marianna nee Coron.
A–4271612, Viveros-Patino, Gloria Herminia.
A–4477469, Vizzini, Angelo or Agostino Catliardi.
A–7532729, Vogel, Frieda Marie Jeanne Auralie or Frieda Vogel.
A–7532731, Vogel, Leonilda or Leonie.
A–8282457, Voie, Tora Tomine nee Homme.
0800–96068, Wa, Li.
A–5920956, Wagner, Lawrence Elias.
A–7983006, Wahlroos, Margaret Mary nee Phillips.
A–7155815, Wang, Shang Chin or Peter Wang.
A–5983689, Watkinds, Nieves Adella nee Tenaja.
A–5411787, Wegner, Bruno.
A–3327440, Wei, Lum or George Lum.
T–2659466, Weinberg, Fannie or Revelyn or Rivlin or Rosa Klinger.
T–1892691, Weir, Alonza Godfrey.
T–1892722, Williams, Enos Augustus or Robert Wolfe, Jr.
A–7789574, Williams, Thyra Joyce nee Kabler, formerly Henry.
A–1414360, Wold, Ivan Richard.
0707–7441, Wolman, Aron.
0707–7840, Wolman, Lee nee Weiss.
A–5332102, Wong, Joseph Hong.
A–9541789, Woo, Chih Ming or Wang Sung Ying.
0501–18295, Woo, Lucrecia Rozo nee Rozo Gaitan.
A–5957597, Wright, Lillian.
A–1745371, Yajima, Kiichi or Kiichi Matsumoto.
A–1745370, Yajima, Mitsu nee Otagawa.
A–7836482, Yee, Josephine Anna L. nee Anna Laing.
A–7073876, You, Pan.
A–6921111, Young, Pauline Eve or Mrs. John C. Naylor.
T–907655, Zajac, Alfred.
A–7419751, Zitkus, Werner Edmund.
A–2930134, Benavides, Maria Ortega de nee Maria Ortega-Lujano.
A–7903402, Castro-Mireles, Jorge.
A–1216229, Abdullah, Dawood Bin Hadji or Dawood Hadji Abdullah or Dawood Hadji Abdoellah or Dawood H. Abdoehhal or Daud Bin Haji Dollah or Dawood Abduellah or Dawood Abdullah.
A–6990558, Abordonado, Alberto or Albert Abordonado.
T–1956120, Aguilar-Echartea, Candelario.
T–1956092, Aguirre, Catarina Villa de.
A–4473312, Aldana, Gaudencia Gonzalez Vda. De.
A–6411698, Ames, Sara or Sara Urick nee Cacherio y Cespedes.
V–904809, Ancheta, Nieves Maria nee Maria Nieves Galiegos.
V–1250130, Anqar, Sami Yusuf El.
T–2760181, Apostolakis, Apostolos Christ or Paul Apostolakis.
A–4617452, Aratani, Masuko or Masuko Matsui.
A–5094767, Arias-Ortega, Jose Maria.
V–906071, Asuncion, Junior, Salvador.
V–906070, Asuncion, Carmelita.
V–629910, Bahde, Pilar Altorfer.
A–5523579T, Barardi, Antonio.
0300–419221, Barnett, Mac Donald or Mac Donald Callender.
A–7439293, Bernstein, Rose David.
A–6105821, Bhaskar, Surindar Nath.
A–6206420, Boivin, Herminia.
A–4842819, Bone, Myfanwy (nee Griffith).
0300–81460, Braithwaite, Charles Wallisford.
A–6830246, Brandwein, Despina.
A–7134282, Braun, Israel.
A–6420439, Bristol, Charles Henry.
V–535227, Brown, Bernadette Marie (nee De Salle).
A–7124496, Brunini, Orietta.
0300–399181, Burgos, Temistocles or Thomas Burgos.
0300–142492, Buria, Manuel Joaquin.
A–6436292, Buvat, Joseph Louis Marie De Virginy or Joseph Buvat De Virginy.
A–8313518T, Cadiz, Cadiz Monica or Anselma Cafirma Acedera.
A–6092412, Camargo–Mascote, Agustin.
A–8025129, Campbell, Verda.
A–7948466, Cantoni, Bruno.
0300–344340, Cardenas–Guevana, Santos or Santos Cardenas Gueivana or Santos Cardenas Y Guevara.
T–1495405, Carrera-Diaz, Piedad.
A–7427344, Casia, Esperanza Vargas Sacris.
T–2760825, Casteret, Ruperta Sophie.

A–3917003, Castruita, Rosalina Flores-Olmos de.
1409–9829, Cerda-Palomo, Arnulfo De La.
1409–9830, Cerda, Estefana Trevino De La.
A–6447413, Chan, Helen Wai Ying Chan.
A–6980351, Chan, Kwok-Keung.
A–7742772, Chang, Ting Tsung.
174/373, Chau, Chan Yee Duck nee Chan Chue Yau.
174/373, Chau, Philip.
A–9541886, Cheong, Sue.
0300–331405, Chiang, Robert Ho Chi.
0300–331406, Chiang, Ying Wang.
A–7177438, Chiara, Guiseppe.
A–7283019, Chiara, Domenica Balma.
T–1897328, Chin, George or Chin Yit or Chin Hing Yat.
A–9609282, Ching, Joe Ah.
0501–19500, Chipman, Carmen Sophie.
A–2713045, Chong, Ah or Chong Ah Lee or See Ah Chong or See Ding Chong or Ah Lee Chong.
A–2586952, Choon, Fong Lai or Fong Shee Chiu.
A–7010326, Cim, Chiu Sik.
A–6758725, Christensen, Verner George.
A–3249884, Christoperis, Michil Angelo de.
A–4031261, Chuen, Lee or Chin Lee.
A–4753125, Cicera, Gioacchino Lo.
A–3440260, Clarizia, John L. or John Louis Clarizia.
A–7445388, Clarke, Levi or Abraham Clarke or Abraham E. Clarke or Abraham Ezikiel Clarke.
A–5541703, Cohen, Ethel Susie nee Gitlin.
A–7264164, Collazo-Almanza, Manuel.
A–5875747, Corriere, Donato.
A–5970949, Cuenca-Gonzalez, Juan Manuel.
0300–330171, Dade, Allah.
A–6052414, Dastur, Minu Nariman.
A–7131175, Delcampe, Jeannine.
A–7131177, Delcampe, Monique.
A–8258649, Dominguez, Beatrice Rodriguez de.
A–3433176, Domokos, Geza.
A–3431168, Donn, Helena Bruski.
A–3738776, Douglass, Hazel Petrine Elaine Scott.
1614–2446, Duran-Tapia, Jose Jorge.
0300–367582, Eduarte, Eugenio or Eugenio Eduarte Torres.
A–1236866, Eickhoff, Frederick William Arnold or Arne Eickhoff.
0300–340983, Eng, Henry or Gon Kwong Eng.
A–4921355, Enzer, Emmanuel.
A–5774073, Enzer, Mildred nee Wilder.
A–6772291, Evangelides, Nicholas Demetrios.
A–4908948, Farganis, Christos.
A–7203458, Farley, Maria Romilda Giordana nee Silicani.
A–9821800, Ferdinand, Joseph Louis.
A–7450225, Ferguson, Hubert.
A–1584037, Fernandes, Arlindo.
A–3881996, Fierro, Rose Ahumada De.
A–5162327, Fleming, Edward.
1600–102014, Flores-Aguilar, Pasqual or Guillermo Flores-Aguilar.
T–1956129, Flores-Duque, Andres.
A–3327382, Flores-Olmos, Luis.
V–1430278, Foranda, Silveria A.
T–609615, Francisco, Maria Nilda.
A–6754445, Gabbay, Mier Jan Ibrahim Sion.
A–6720078, Gallegos-Dominguez, Apolonio or Apalonio Gallegos-Dominguez or Jose Ramirez Arciniega.
A–5958805, Garcia-Lopes, Nicholas or Arnold Drummond Lloyd.
A–4946851, Garcia-Rivera, Jose or Jose Garcia or Jose Garcia Ribera.
0300–399712, Gavito, Gabriel or Gabriel Gavito Gavito, Jr.
A–2640142, Germanetti, Lucia Maria.
A–2457210, Gianaris, Ioannis Leonidas.
A–7445656, Gladstone, Martin or Martin Glad.
T–2672506, Gomez-Flores, Juan.
A–1912054, Gomez-Sanchez, Manuel or Jose Garcia Santana.
0502–6327, Gonzalez, Jose Maria Pozo.
A–7189158, Gonzalez, Juan.
A–7189200, Gonzalez, Aurora Delgado.
T–2753513, Gonzalez, Paula Lara De.
A–8221602, Gonzalez-Lara, Susana.
A–8221603, Gonzalez-Lara, Isaias.
A–6382120, Gonzalez, Refugio Anaya vda de or Refugio Camarillo.
A–4555917, Gonzalez-Sotelo, Alejo.
A–8217665, Grega, Andrew.
T–1496893, Guerrero, Juan Lopez.
1600–101746, Guerrero-Espinosa, Guadalupe.
T–2626410, Gutierrez-Bedoy, Roberto.
A–4327124, Hagopian, Victoria (nee Sarajiam) or Victoris Diaz E. Peres.
A–5820573, Halir, Frank or Frank Haler.
V–6256, Hammer, Patria Eslabon.
A–2083026, Hansen, Hazel Mary.
T–2072760, Harris, Frederick Owen.
T–1506093, Harrison, Donald Herbert or Donald Harrison.
A–6966573, Helen, Eleonora or Eleonor Helen Olchowska.
A–6602877, Henis, Dov Ber.
A–6747042, Henis, Meira.
A–5875165, Herman, Betty nee Ginsberg or Betty Gilbert.
T–1956128, Hernandez-Lopez, Hipolito.
A–8117196, Herrera, Inez Arvallo de nee Arvallo-Valenzuela.
1607–21124, Herskowitch, Bannett or Ben Harris.
0300–401467, Hing, Low or Yong Hing or Young Hing.
A–7138430, Hjelt, Inga Castalia.
A–9707480, Ho, Harry or Ho Ah Foo.
A–1653712, Hogg, Ethel May nee Ethel May Johnson.
0500–42189, Holt, Doris.
A–7186713, Hong, Jim Jelly or Hong Hoy Quing.
A–6771341, Honigsfeld, Jerzy.
T–1165326, Horta, Adalberto Jurado Y.
A–6808242, Houseright, Richard Steven.
A–7022382, Hsu, Joyce or Joyce Kwei Fong Hsu or Kwei Fong Hsu.
T–1897317, Hunter, James William.
A–7135283, Il-Begi, Mohammad.
0300–375202, Irabar, Jose Antonio Bajineta.
A–7497118, Iwanow, Antonina or Antonia Andrei Ivanov.
0300–375202, Irabar, Jose Antonio Bajineta.
A–4163011, Jonas, Ferdinand Alfred.
A–8014975, Kakeligian, Takouhie Victoria or Queenie Kakeligian.
A–5461766, Kaleef, Boris Ivanoff or Bone Racine or Joseph Huic or Rudolph Schmidt.
T–1897321, Kan, Chan Fee or Joseph Kan Chan.
A–9778105, Karvonen, Leuto Tuovi Kullervo.
A–5561780, Kashiwa, Masakichi.
A–4788695, Kashiwa, Sue or Suye.
A–5353869, Alps, Amy or Emi (nee Kashiwa).
A–6929872, Kassos, Michael.
A–7115039, Kasten, Adelheid Emelie.
A–3901233, Kawacinski, Jan or John Kawacinski or John Boleslaw Kawacinski or Clarence Johnson or Clarence Johnston or John Bruno.
A–6829777, Kempton, Diana (nee Mayo).
A–5961756, Kitagawa, Koichi.
0400/42359, Kittay, Howard.
0400/42360, Kittay, Lida.
A–7964006, Klingenberg, Robert Charles.
V–344560, Koinoglou, George.
A–6350845, Koinoglou, Afrodity.
A–7128977, Koltucki, Roman Stefan.
V–993447, Korhonen, Esteri Kaarina nee Sievila.
A–7476854, Koukoulas, Anthony George or Antonios Kokoulas.
A–3273987, Kow, Yip or Kow Yip or Eddie Yip.
0300–407664, Krimsky, Harry or Herszel Kurianski.
A–2084603, Kung, Limin or Li Min Kung.
A–2771697, Lai, Chan Yu.
A–6846181, Landeros-Gomez, Jose.
T–141993, Lavaro, Josefa F. nee Josefa Tomines Fajatin.
A–7427955, Leavitt, Ellen or Ellen Miseroy.
A–8015426T, Lee, Mark Shee or Pui Jen Mar or Shee Mark or Pui Jun Mark.
0300–419559, Lee, Yick Gow or Chee Sing Lee.
0300–309150, Leigh, Edward Paul or Shau Chung Lee.
A–4450611, Leparis, Peteros Michael or Michael Leparis Peteros.
V–332723, Lincoln, Hans Rainer formerly Weiss.
0400/19637, Ling, Lam.
0300–5896, Lorensen, Soren Andreas or Lorenson.
A–6884883T, Loui, Shen Ying Lowe nee Lowe, Shen Ying.
T–2182609, Luebbers, Isabella nee Long.
A–6781251, Luna-Galan, Luis.
A–4971706, Mahoney, John Henry.
A–7083171, Mahrt, Erni Arneson or Erni Arneson nee Buchtrup.
A–8259052, Makedon, Procopios Georgios.
T–1499168, Maloata, Inosia F.
A–7358950, Mancini, Gabriele.
A–5688547, Manning, Raymond Frederick.
1500/47209, Marquez-Loera, Daniel.
A–7295015, Marsh, Antonina Donato or Antonina Donato Sattoriva or Antonina Donato Ivanoff.
A–6626099, Martin, Maya Maria nee Archangelsky.
A–7264083, Martinez-Martinez, Leopoldo.
A–6144014, Matsuda, Domingo Sakuro.
A–6144013, Nakashima, Carmen Matsuda.
A–6144012, Matsuda, Crisanta Kyoko.
A–6144011, Matsuda, Natividad Ayako.
A–6144017, Matsuda, Kunikichi.
A–6144016, Matsuda, Hisako.
A–5533671, Matsuo, Kihei.
A–4234889, Mavrogeorgis, Demetrios or James Michel Mavris.
A–3865631, Mazelow, David Ronald.
A–5312005, Mazelow, Sema nee Gulkevitch.
A–7024425, Mazelow, Frances.
A–2305753, McCarville, Mary Ellen nee Hogan.
A–4402194, McCunney, Gladys May.
A–8282808, McDonald, Oscar or Oscar Rudolph McDonald.
A–7980278, McKenzie, Arnold Wesley.
A–7828145, McKinley, Trudy or Kim Yong Wah.
A–7980254, Medrano, Ana Moreno de or Ana Moreno-Pareda.
A–4578601, Menck, Anton or Tony Menck or Anton Menk.
A–6760900, Mend, Olaf.
T–1497305, Mentis, George Speros.
A–7366403, Meter, Jerry Wang Van.
A–6636748, Metoxen, Dorothy Olive.
A–4490183T, Mikebrcich, Sam.
A–7030792, Milson, Diana.
A–9553480T, Moe, Ragnar.
A–6857825, Monroe, Georgette Marianne nee Gambin or Joe Verney.
A–7039269, Morales, Ramona Sandoval de.
T–1495364, Moriguchi, Hideichi.
A–5125969, Morin, Luca or Luke Morin.
A–1452630, Murphy, Florence Helen.
T–2753946, Najera, Jose Victoriano or Raul Dorantes.
T–2760979, Nakano, George G.
T–2760977, Nakano, Yukiko.
A–7360979, Narbaez-Rodriguez, Higinio.
A–7362095, Narbaez, Emilia Loredo de.
A–3810734, Nardiello, Gennaro or Gennaro Carmine Nardiello.
1614–2545, Nunez-Cabrera, Jose Maria.
A–4090286, Okuda, Isa or Isa Macchin.
1600–97487, Pama, Florencia Landeros-Lopez De.
A–7124115, Panagiotopoulos, Demetrios or James Pappas.
A–6590590, Papademetriou, Spiridon C.
0300–418769, Papadogianis, Archilles or Achilles Johnson.
A–7210496, Parashakis, Demetre George.
A–2732925, Parker, Maria Perla Lapoint Drummond de Mendoca.

A–2088136, Parreira, Antonio or Antonio Galante.
T–1864504, Pascua, Mary Javier or Filomena Javier Collo.
A–5630551, Pataca, Francisco Antonio.
A–1882618, Paz, Joseph J. De La.
A–6506688, Perez, Carmela Brea.
A–4722698, Perez, Teresa Pablo nee Velez.
T–2626342, Perez, Zenaida Gonzales de.
T–2626342, Ruiz-Gonzales, Elena.
T–2626342, Ruiz-Gonzalez, Salvador.
T–2626340, Lemos-Gonzalez, Fidel.
T–2626341, Lemos-Gonzelez, Lorenzo.
T–2626343, Lemos-Gonzalez, Juana.
T–2626344, Lemos-Gonzalez, Maria Luisa.
A–7858390, Perez-Lopez, Aristeo or Eliseo Perez.
A–1233964, Perkins, George or Charles Fitzgeorge Perkins.
T–2672504, Pinal-Zamora, Daniel.
T–2672503, Pinal, Eva Cuevas de.
A–6581244, Pinon-Gallegos, Alejandro.
A–3117025, Pipolo, Giuseppe.
0900/59416, Pollini, Giuseppe.
A–4526224, Popis, Grigorios Theodorou or Grigor Mito Doreff.
A–3213309, Pugh, Julia Fernandez.
A–7040208, Putiak, Stella Mary nee Lewicki.
A–6596195, Rabut, Diana or Diana Ganzo Decker.
A–5619370, Radunich, Josef or Jozo Radunic or Joso Radunich.
A–4927536, Ravensburg, Oscar Manfreid or Hans Bergendorf.
T–3182614, Renda, Muammer Faik.
T–2094463, Renteria-Valverde, Ramon.
T–1897311, Reuben, Vincent Webster or Lloyd Brown.
T–1864506, Riehl, Leon or "Leo."
A–1293727, Robertis, Antonio or Anthony De.
1500/34303, Robles, Antonio.
V–1424396, Roebuck, Helen Bernice (nee Jones).
V–347101, Rossi, Narciso Dario.
T–1339031, Roth, Meileph.
V–252572, Roth, Sarah (nee Grunfeld).
A–1845574, Ruiz, Victoria Marinero.
T–1864593, Sagadraca, Mary Cadiz or Carmen Cadelinia Visitacion.
T–1497439, Sakaguchi, Shigejiro.
A–3457233, Samonas, Konstantinos.
T–1922177, Samra, Emile Abou.
T–2072746, Sanchez-Cuevas, Roberto.
A–7436684, Sander, Salomon.
T–1497347, Sandoval, Doroteo Medina or Nazario Hernandez.
A–3901031, Sandoval-Gonzalez, Jesus.
A–4789381, Sandoval, Julia Rivas de.
A–4839542, Sasaki, Tadao.
A–6816827, Savitsky, William Kazimir or William John Smith.
0900/61364, Schau, Guenter or Guenter Hoffmann or Gunter Walter Hoffmann.
A–4825485, Schmidt, John or Janos or Johan Schmidt.
0900/57318, Schullo, Elisa Marino or Elisa Marino.
A–4182205, Schwallbach, Hans Gerhard.
V–54784, Scialanga, Sabatino.
T–1497299, Seib, William.
T–1497300, Seib, Lillian Nancy.
A–2574923, Singh, Mangal.
0700–12800, Sirolli, Carmine Nunzio.
A–7350804, Siurua, Ester Maria (nee Laakso).
A–5543974, Slupianek, Johannes or John Hansen.
0300–343475, Smith, John Augustus.
T–1897303, Smith, Torrance or Lindsay Evelyn.
A–7145684, Smyrnioudis, Nikolaos or Nicholas or Nicolaos or Nickolas Themistocles or Nick Smyrnioudis or Nikolaos Smirniudis or Nikolaos Themistoklis Smyrniouds.
A–3508195, Solomon, Sam.
A–7095895, Sonnenschein, Fritz.
A–4801193, Soriano, Francisco Llorca.
A–1794289T, Soto, Luis Octavio or Louis Soto or Louis O. Soto.
A–7879336, Stephan, Jack.
A–8116375, Stow, Lois Idelle or Lois Elaine Stow or Lois Thompson Stow.
E–25245, Sumaya, Erminia Castor-de.
A–3845868T, Sung, Ho Mock.
A–2661136, Sutherland, Edwin Arnold.
0700–18071, Svokos, George Peter.
A–5717872, Swartz, Manuel Junice.
A–5598502, Szolinger, Ferdinand.
A–2877584, Tahir, Zenel or Louis James or Muhamit Tahir.
A–6266047, Tai, Lo or Lum Tow.
E–7183, Tamm, Roland.
A–9708069, Tang, On.
A–5882956, Tavares, Jose De Jesus or Jose De Jesus Mojica or Jose Mojica or Jose De Jesus Ramirez Mojica.
A–7978939, Theodossiou, Nicholas Georgis or Nicholas George Theodossiou.
A–3456410, Thomas, Bella or Peliger T. Kostas.
A–7136132, Tigges, Karin Roslinde.
A–8057115T, Tim, Chang or Chong Tim or Chong Hen.
0300–385513, Tong, Yung Chae or Thomas.
A–8313515, Torres, Jose Cruz.
0300–422125, Trimarco, Frank or Francesco Trimarco.
A–4925529, Trombino, Gaetano Mario.
A–7141151, Tseng, Anthony Tai.
V–754085, Tseng, Sophia Tia nee Liang.
A–7809422, Turkkan, Reha Oguz or Kadioglu.
A–7809423, Turkkan, Fatma Emire.
0300–416561, Tyson, Cyril MacKenzie.
A–5298350, Vasquez, Jose.
A–5473712, Vasquez, Maria Del Rosario Torres de or Maria Del Rosaria or Rosa or Rose Torres de Acevedo or Rose Torres de Montana or Rosario, Rosa or Rose Torres, Reina, Salazar, Saleso, Vasquez, Acevedo or Montano.
T–1956117, Vasquez-Diaz, Juan.
T–1956118, Vasquez, Darita Angeles De.
A–7859589, Walker, Frank Norman.
A–4490177, Weel, Theodore or Feodor.
A–4111030, Weiner, Estelle Tratenberg.
A–7362912, Weiss, Igor.
0300–402945, Williams, Myrtle May.
A–3312181, Windows, Henry Patrick James Aloysius or Henry James Windows or M. Z. Windows and Harry Windows.
0300–391608, Wing, Chan Yu or Chan Hue Foo or William Chan or Hue Fook.
A–1393776, Winkelmann, Paul Gustav.
T–1892138, Wong, Sammy.
T–1892473, Wong, Wai Jack or Jack Wong.
T–1892149, Wong, Yee Pik.
T–2760242, Wun, Lum Poy or Lum Shee.
T–2760240, Chung, Choy Jack.
T–2760239, Chung, Wing Jack.
T–2760954, Chung, Wah Jack.
A–5895043, Yang, Ruby nee Ruby Nan or Ruby Ying Heng Nan or Nan Ying Heng.
A–6847818, Young, Jameson.
A–5983272, Yuen, Johnny or Juen or Yue Zen Un or Yeung or Weung Shung Hing.
A–3814713, Zarikos, Ioannis Diakoumis or John Zarikos.
A–7358510, Zwack, John or Jean.
A–4961241, Abad, Ceferino Catubig.
V–993448, Abell, Eliisa Katja formerly Katja Eliisa Lyly.
A–7135613, Alefandakis, Yami.
A–4066404, Altamirano-Villegas, Alfredo.
A–8078927, Alvarez-Gomez, Pablo.
A–7802501, Andrews, James Alexander or James A. Andrews or Cecil Sanchez.
A–7222348, Arechiga-Heredia, Pablo.
A–7445974, Arias, Cruz Mercedes or Cruz Mercedes Arias-Victor Cabrera.
T–1497432, Arshakuni, Andronik Mikirtich.
T–2760275, Ascencio, Francisco.
A–9948051, Astras, Nicholas.
A–5898861, Atkinson, William Earl.
T–2670507, Balmilero, Lourdes Torio or Lourdes Bongelan Torio.
A–5167698, Barkley, Sarah Mae or Sarah Mae Creech.
T–2760953, Barone, Domenico.
A–3761430, Bastardo, Manuel Soto.
A–6473922, Bates, Thersea Louisa.
A–6752702, Beckles, Ishmael Theophilus.
A–4573571, Berchtold, August Leo.
V–248125, Bermudez, Constancia D. E.
A–4238489, Bettencourt, John Perreira or John Perreira Machado.
A–4050471, Biagioni, Terzo.
A–5230165, Bogdanic, Ivan or Ivan or John Bogdan.
A–5741510, Bois, Henry Elzea or Henry Elzea Woods.
A–6775576, Braun, Pierre.
T–2760266, Brennan, Elizabeth Joy.
V–166006, Broeckerhoff, Ursula or Ursula Benedetto.
A–1415095, Brundage, Margaret nee Evans.
0900/62150, Brunetti, Domenico.
A–8282019, Bunch, Florence Marguerite.
A–7885315, Buono, Catello or Carlo Buono.
A–4635397, Cabral-Rosendez, Samuel.
A–4931229, Cadorette, Lucienne Virginia.
A–2160607, Caiazzo, Nicola.
A–2590312, Camarillo, Jose.
1614–804, Castellanos-Correa, Rigoberto.
A–6040680, Chao, Edward Ching-Te, or Ching-Te Chao.
A–6877762, Lin, Wen-Yu, or Chao Wen-Yu Lin, or Wen You Lin Chao, or Vera Wen-Yu Lin Chao, or Vera Chao.
A–7945036, Chen, Shi Gee Quan, or Chen Kun, or Chen Quan, or Hubert Chen.
T–1892119, Cheong, Wong, or Wong Chang.
0300–354028, Chin, Moo Kong.
A–2828825, Cho, Sen.
A–8065059, Christino, Sebastiano.
A–9694526, Cittee, Valery.
A–3340911, Colantonio, Giacomo, or Antonio Colantonio.
0400–43865, Conde, Argimiro.
A–8258798, Corbin, May Frances.
A–5897153, Corona-Galvan, Carlos.
A–8057864, Cortazar, Jose Luis Gorrochategui, or Jose Louis Gorrachategui.
A–7910363, Cosenza, Anna Maria (nee Nicastro).
A–1991614, Crepeau, Alice Marie (nee Poirier).
A–9730133, Crescent, Pochot, or Crescent Pochot.
A–6897763, Dadiotis, Constantinos Nicholas, or Dino Daddis.
A–6934726, Dado-Ochoa, Fernando.
A–4491382, Dahl, Katherine C. (nee Gabriel).
A–9567887, Daud, Amid B.
0300–413953, Debelli, Arrigo.
A–3400250, Degwan, Hans Raj, or Harbant Singh.
A–1403322, Detjen, Hans Heinrich Diedrich, or John Henry Detjen.
A–2642279, Diamond, Kiamond, or Kadieman Diamonds.
1614–2489, Diaz-Rodriguez, Salvador.
A–2479166, Docyk, William.
T–1497343, Downton, Joyce Mary, or Joyce Mary Hicks.
A–1182166, Eden, William Henry.
A–6609655, Eleftherious, Panos Emmanuel.
A–1981457, Ellman, Sheva.
A–7605224, Enriquez-Padilla, Jose Edmundo.
A–7991849, Eory, Gerhard Franz.
1614–2626, Escudero-Flores, Manuel.
A–7137770, Espinoza-Moreno, Roberto.
A–7491873, Evangelista, Maria Camacho de.
0300–385257, Evertsz, Lorenzo, or Tommy Evertsz.
A–8082611, Fa'Aesea, Sarah Florrie.
A–7140278, Fat, Chin Leung.
E–47200, Felix, Millan, Jesus.
T–1495341, Fetter, Klara.
T–2760845, Filipas, Joseph A.
A–2179523, Finkelstein, Isidor or Itzhock David Finkelstein.
A–6069935, Fogleman, Dorothy Helen nee Bouck.
A–5913974, Fond, William La.
0300–419441, Fong, Lee or George Fong Lee.
A–7983356, Forbes, Albert or Clyde Wellington Forbes.
A–9765437, Fonde, Reynold Herbert.
A–7394397, Fornos, Werner Horst formerly Werner Fahrenhold or Werner Lammer or Werner Copeland.
A–7249034, Fotinos, Constantinos or Kostos or Kostas Fotinos or Gus Fotinos.

A–1267900, Franco, Juan Benito Sanchez or Sanchez Yaun Benito Franco.
A–4701734, Gaglione, Michele.
A–8154577, Galich, George Dan or George Danny Galich.
A–6169196, Gatchalian, Celerino Perfecto.
0900/47006, Gavanozis, Gerassimo Constantino or Jerry Gavanis Gerasimos Gazanovis.
V–1219402, Gayef, Yorgi Vangel.
T–2760260, Gaylard, Reggie Stanley.
T–389442, Geluda, Joseph.
A–7483725, Ghinis, Georges Gilbert.
A–2735926, Gibet, Frank or Frank Gibit.
T–1892186, Glavan, Gregory or Grgo Glavan.
A–5453169T, Glover, Robert Joseph or Robert J. Glover or Robert Glover.
A–6658419, Gonzalez, Jose or Jose y Maria-Smith Gonzalez.
A–7949798, Gonzalez-Arroyo, Carlos.
A–3575766, Goriup, Richard or Jack Field.
A–9799697, Grape, Melecio Villegas.
1600–101246, Gutierrez-Lopez, Pedro.
A–6047703T, Harris, Michael Alfonso.
A–6047704T, Harris, Carlos Alberto.
1600–37589, Hastings, Mary Anne nee Nagy.
A–1607697, Hati, Supu or Hati Supu.
E–46704, Hearn, Gerald Berchmans.
A–8150018, Heilhecker, Dieter.
A–5494220, Helias, Soter C., or Soter Cosimos Helias or Soterios Cosimos Iliadou or Soterios Cosimos Iliadas or Soterios Cosimos Eliades or Helios Soteros.
0300–355829, Henriquez, Josephine nee McKinney.
T–2672401, Hernandez-Gonzalez, Guadalupe.
0300–417726, Hernandez-Gonzalez, Juan or Alberto Hernandez-Gonzalez.
T–1645699, Hoctor, Fernande.
A–7680157, Holguin, Ma Khin Sein or Ma Khin Sein Thunderface.
A–8190972, Holmberg, Holger Hakon.
A–6740793, Hon, Yee You or Day Yee Shee or Gee Shea Wong Gung.
A–7283476, Huang, Yun Ching or Cei Ing Tjhing.
0300–428415, Huang, Che Lun.
1600–102344, Humphrey, Clara Louise.
A–2883737, Hutchison, Salud Lara nee Maria Isidora Salud Lara-Dominguez or Sally Lara.
A–1940059, Imai, Fuji nee Date or Aoki.
A–8258715, Ischia, Luigi or Guigi Ischia.
T–1497440, Jackson, Edward Ernest.
T–1497442, Jackson, Alice Collet.
A–3746988, Jacobs, June H. or June H. McDonald or June Vrancheff.
T–1966500, Jung, Chong or Jung Chong or Sam Lee.
A–8010523, Jung, Goon or Jung Goon.
A–4075282, Kapeluck, Anna or Anna Andrusiewicz nee Sawicka.
A–3270517, Kassim, Alli or Alei Kassim.
T–2760163, Kato, Chuhei.
T–2760959, Kato, Michiko.
T–2760960, Kato, Tadahiko.
T–2760164, Kato, Fumiko.
T–2760165, Kato, Chieko.
T–2760167, Kato, Mieko.
T–2760168, Kato, Yoshiko.
T–2760169, Kato, Tadaki.
T–2760170, Kato, Setsuko.
1600–102637, Kawaji, Shunpaku or Kawachi.
A–4694084, Keilholz, Hans Werner.
T–656950, Khanoyan, Melick or Khanian.
A–6795012, Kim, Sung Sun.
A–6827136, Kimpfel, Alexander.
A–4478344, Koskinen, Airi or Irene Kosky.
A–5424947, Kostiner, Leeo or Leib Kostiner.
A–6470854, Kwok, Bartholomew Man-Him.
T–2182617, Lally, Dimitra nee Nikiforous.
A–1085321, Landry, Annie Sophia.
A–5509107, Larkin, James Joseph.
A–9528840, Lavado, Joao Dos Santos or Joao Santos Lavado or John S. Lavado.
0300–409675, Lean, Chue Shin.
A–4386526, Ledesma-Posos, Jose or Jose Ledesma.
0900/57789, Leitner, Peter.
A–9186176, Lie, Hans Mostve.
0300–130512, Lindsay, Byron Joseph.
V–793660, Ling, Chih-Ming.
V–885079, Ling, Marion Ting nee Lee.
V–57267, Liu, Hian Tsie or Tom Fred Hian Tsie Liu.
V–57268, Liu, Yeh Yuan Shuang or Judith Yeh Liu.
A–6916380, Llapitan, Maria G.
A–5869958, Lo, Kai or Lo Kai.
T–1892858, Locsin, David G., Junior.
A–4305952, Lopez, Casamira Perez De.
A–4503263, Lynch, Frances Maloney nee Frances Maloney.
T–609064, Macasalabang, Delia or Delia Byers.
A–5190589, Maiava, Osovale Kaisa.
A–7830644, Manning, Josephine Dauenhauer or Josephine Daunhauer Manning.
A–3866283, Marinis, John Peter.
A–5780606, Marley, Herbert Stephen.
A–1612033, Mastosalo, Enna Virginia or Enna Salo.
A–2894389, Mateo, Dionicio Asuncion.
T–1510100, Matsis, Andrew or Andrew Stylianos Matsis.
V–49238, Mauricio, Blanca Andrade.
A–3425753, Mazzone, Domenick or Domenico or Domenic Mazzone.
A–5760074, McAlmer, John Earnest or John Jack Reid.
A–7199724, McPhee, Joyce May.
A–7445800, Medina-Inocencio, Ismael.
A–5724484, Mehlmann, Karl Paul or Carl Mellman.
0300–327218, Meilke, Maurice Manford Marchante or Maurice Manford Meikle or Maurice Manford or Victor Marchante.
A–6819162, Meisels, Mozes.
A–6922683, Meisels, Magda Malke or Magda Schneck.
A–2102966, Midrano, Florence nee Lowe.
PR 901314, Miller, Alicia Maria nee Maria Alicia Camargo Pinzon.
0300–355468, Mitchell, Thomas Rose Lewin.
A–9698222, Moll, Cornelius Leonardus.
A–8057829, Montalvo, Francisco.
A–8217341, Montalvo, Maria Padilla.
T–2072530, Morales-Vidana, Francisco or Frank Morales.
A–5259530, Moreira, Jose.
2311–P–20902, Moscarelli, Americo.
A–4836377, Moy, Kuo Ching.
A–2441190, Munoz-Munoz, Pablo.
A–5667443, Murphy, William Patrick.
A–4791780, Murphy, Mary Sarah.
T–2760188, Nakano, Daikichi.
A–3578790, Navarro-Cortez, Atenogenes or Jose Atenogenes Navarro-Cortez or Atenogenes Navarro or Frank Navarro.
A–1417298, Hemm, Henry Alfred.
A–6260997, Newcomb, Beatriz F. formerly Beatriz Farias or Maria Isabel Beatriz Farias.
V–905986, Nicholas, Nicolasa F.
0501/19035, Nunez, Felicia or Perrz.
A–2540511, Ohno, Haruyoshi.
2272–P–25220, Ojuricic, Milan or Milos Gjuricic or Gjurich or Mike Gurick or Stephan Vukerich.
0900/4608, Oleksy, Ludwik or Louis.
A–5434590, Olsen, Bjarne Olaf.
A–3715893, On, Lam.
A–2289047, Ortega-Pizarro, Bartolome.
T–1495454, Ortiz, Cecilio Perez.
A–3967041, Ozeki, Mamoru.
A–3965724, Ozeki, Haruko.
V–20162, Pappas, Juna Rae.
V–1490130, Parker, Pamela.
V–1490133, Parker, Patricia.
A–3065982, Paruch, Stanley Walter.
A–8117451, Pearce, Maria Margarita Robles De or Maria Robles De Pearce or Mary or Mary Margaret or Mary R. Pearce.
A–2645265, Pedersen, Knut Hanselius.
T–2658093, Pellerin, Arthur.
A–1156117, Perez, Fernando Rodriguez.
1610–7716, Perez, Ofelia Valasquez de.
E–39523, Perez-Roman, Eloisa.
T–1538861, Petroni, Aida or Aida Petroni Sherman.
A–4763894, Pettersen, Edward Oliver.
A–5869796, Pickering, Anita Odelia.
A–2800127, Pico, Jose Sanjurjo Do or Gerardo Touron Lopez.
A–5757930, Pietri, Fabien.
A–6980725, Podubynseyj, Wasyl.
V–464831, Poeckel, Klaus Dieter or Claude D. Peckham.
A–7771635, Polevoy, Olga or Olga Pearl Polevoy.
T–88343, Potter, Laura.
T–2760223, Pozzi, Bruna Annamaria.
A–3235716, Puccini, Livio Giulio.
1600–101727, Puga, Maria Hidalgo de.
A–7868375, Quen, Ng Bow or Phillip Ng.
1609–1572, Quintero, Rosa Diaz de formerly Rosa Diaz or Rosa Diaz-Ornelas or Rosa Ornelas-Diaz.
A–3386221, Rabius, Harry.
A–7287917, Ramos-Torres, Jesus.
A–7469715, Rao, Giuseppe Salvatore.
A–6985763, Rapoport, Bention Israel or Ben Rapoport.
A–1451998, Raymond, Doul or Raymond Boul or Draman Piatu.
T–1864595, Remedios, Dos or Jaime Daniel or Jaime Daniel Remedios.
A–6989934, Rendon-Medina, Blas or Carlos Martinez-Rendon or Daniel Alanis-Medina.
V–40916, Reyno, Erlinda Turqueza.
T–2659463, Rhoden, Norman Augustus or Nathaniel Rhoden.
A–7450712, Rhodes, Edgar, formerly Edgar Guldan.
A–8065958, Riccio, Antonio.
A–3969236, Rivas, Guadalupe Lugo de.
A–3404740, Rodnalsen, Aurelia nee Schutte.
A–1962168, Roudolph, Eduard W. F. or Eduard Wilhelm Ferdinand Rudolph or Eduard Rudolph.
A–5276853, Rubilar-Rodriguez, Jose Antonio.
A–2673825, Sam, Chui Chung Ho or Chui Chung Ho.
0807–3012, Sandoval, Ruben.
T–963499, Sansaet, Juan Sario.
V–500503, Santos, Fortunata nee Miranda.
T–2760286, Sanz, Antonio.
A–3793401, Sargis, Regina nee Baboo or Regina Isaac Baboo.
A–4313068, Sarikopoulos, Damaskinos Nikolao or Demetrios or Damacus or James Darakopoulos or Sarakopoulos or Sarikas.
0300–420784, Scaccia, Cristoforo or Cresteno Scaccia.
V–1257359, Scardillo, Vito.
A–4367660, Schoch, Carl or Carl Christoph Schoch.
0700–17718, Scotto, Michael DiMimico or Michael Scaro.
A–5562624, Seassaro, Giovanni Amoretti or John Amoretti.
1609–1511, Segura-Guerrero, Juan.
0501–18899, Seto, Don Begg or Soo Hoo Doon Begg.
A–6830573, Shashou, Salim Sion.
T–1664508, Shimote, Teru Wakayama.
T–1892010, Shin, Wong Fox (For).
A–7081485, Shut, Wong or Shut Wong or Chong Wong or Henry Wong.
A–4981372T, Silberberg, Elias.
A–4794982, Silva, Abel Da.
T–1892236, Sing, Lai.
A–6728296, Smith, Sanford Lloyd.
A–3733560, Socorro, Alberto Monteiro.
A–6738897, Solomon, Henry.
A–5462089, Sommer, John Hans.
A–5148864, Spain, Louis.
T–2760191, Stefani, Maria Bonandrini.
0300–157175, Strean, Lillian Ruth (nee Leah Rachel Ghenkin).
T–2760237, Tabares-Tristan, Juan.
T–2760236, Tabares, Irma.
A–7363971, Tada, Jane Tomoko.
1600/39508, Tamayo-Marron, Jose.
1614/2667, Tamayo, Josefina Lopez de.
A–5661894, Tammenoksa, Aino or Eva Isaacson.
A–6706048, Tashjian, Haig.
A–3841272, Thompson, Juliette Parra (nee Herrera).
A–6815399, Tommasino, Josephine formerly Russo, or Giuseppina Russo.
A–7983141, Valle, Myrtle Louise formerly Hewitt (nee Crisp).

A–9537490, Van Assen, Arie Johannes.
A–7222727, Voudoukis, John Egnatios or Ioanis Ignatiou Voudoukis.
A–7930580, Wardiyah, Joseph Hanna.
0300–269692, Wassmann, Meta or Meta Branding.
A–6154808, Watanabe, Toshio or Victor Toshio Watanabe.
A–6154809, Watanabe, Minoru or Jorge Minoru Watanabe.
A–6154810, Watanabe, Haruko or Nelly Haruko Watanabe.
A–6154811, Watanabe, Yoshio or Hector Yoshio Watanabe.
T–23092, Weber, Brigitta Herta or Brigitta Harta Weber or Carol Dee Rimmer.
A–7967139, White, Janina Vicki.
A–3493025, Willis, Catherine E. nee Hayes.
A–3483279, Deabald, Ellen Mary nee Willis.
A–1460148, Wirth, Rosa, Elisa.
0900/58370, Wong, Helen Hong.
T–2760363, Wong, Lucille or Lin-Hai Dang.
A–8217492, Wong, William Theodore or Chung Chan Wong.
A–2673354, Woods, Charles.
0300–355173, Woodstock, Enos Daniel.
A–2528525, Yamada, Ryoichi or Ryoichi Kitayama.
A–6041609, Yektaee, Manoutcher or Manoucher Yektai.
A–6041591, Yektaee or Yektai, Monir Kamkar nee Shahrudy.
T–1864517, Young, Chew.
1600–61866, Yow, Loew Lung or Lew Fung Yow or Lew Fon Yin or Peter Lew or Wallace Lew or Peter Wallace Lew.
E–46702, Zarate, Guadalupe Gutierrez de or Guadalupe Gutierrez-Lopez.
A–5821838, Stuebel, Carl Julius.

STUDY AND INVESTIGATION OF PUBLIC TRANSPORTATION SERVING THE DISTRICT OF COLUMBIA—REPORT OF A COMMITTEE

Mr. CASE. Mr. President, from the Committee on the District of Columbia, I report an original resolution providing for a study and investigation of public transportation serving the District of Columbia, and I submit a report (No. 577) thereon.

The PRESIDENT pro tempore. The report will be received; and, under the rule, the resolution will be referred to the Committee on Rules and Administration.

The resolution (S. Res. 140) was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Senate Committee on the District of Columbia, or any duly authorized subcommittee thereof, is hereby authorized and directed (1) to make a full and complete study and investigation of public transportation serving the District of Columbia, including the fiscal, management, and operating policies of common carriers which transport passengers in the District of Columbia, the regulation of such carriers by the Public Utilities Commission of the District of Columbia, and other matters related thereto; and (2) to report to the Senate at the earliest practicable date, but not later than January 31, 1954, the results of such study and investigation, together with such recommendations as to necessary legislation as it may deem desirable.

SEC. 2. For the purpose of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such experts, consultants, and other employees as it deems necessary in the performance of its duties, and is authorized, with the consent of the head of the department or agency concerned, to utilize the services, information, facilities, and personnel of any of the departments or agencies of the Government of the United States. The expenses of the committee under this resolution, which shall not exceed $35,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INCREASE IN LIMIT OF EXPENDITURES BY COMMITTEE ON PUBLIC WORKS—REPORT OF A COMMITTEE

Mr. MARTIN, from the Committee on Public Works, reported an original resolution (S. Res. 141) increasing the limit of expenditures by the Committee on Public Works; and, under the rule, the resolution was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Public Works hereby is authorized to expend from the contingent fund of the Senate, during the 83d Congress, $25,000 in addition to the amount, and for the same purposes, specified in section 134 (a) of the Legislative Reorganization Act approved August 2, 1946.

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. WELKER:
S. 2374. A bill for the relief of V. A. Verhei; to the Committee on the Judiciary.

By Mr. SALTONSTALL (by request):
S. 2375. A bill to authorize the Secretary of the Army to proceed with construction at stations of the Alaska Communication System; to the Committee on Armed Services.

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

By Mr. SALTONSTALL (by request):
S. 2376. A bill for the relief of Rita Teresina Iosa; and
S. 2377. A bill for the relief of Jack Dunnous; to the Committee on the Judiciary.

By Mr. GILLETTE:
S. 2378. A bill for the relief of Janice Beth Culbertson, a minor; to the Committee on the Judiciary.

By Mr. GRISWOLD:
S. 2379. A bill for the relief of Mrs. Ourania Kraniotis; to the Committee on the Judiciary.

By Mr. BARRETT (for himself and Mr. BUTLER of Nebraska):
S. 2380. A bill to amend section 17 of the Mineral Leasing Act of February 25, 1920, as amended;
S. 2381. A bill to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain; and
S. 2382. A bill to amend section 17b of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain; to the Committee on Interior and Insular Affairs.

By Mr. HENDRICKSON (for himself, Mr. SMITH of New Jersey, Mr. IVES, Mr. LEHMAN, and Mr. TOBEY):
S. 2383. A bill granting the consent of Congress to a compact between the State of New Jersey and the State of New York known as the Waterfront Commission Compact, and for other purposes; to the Committee on Interstate and Foreign Commerce.

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

By Mr. LONG:
S. 2384. A bill to prescribe qualifications for appointment to the office of Judge Advocate General of any of the Armed Forces, and for other purposes; to the Committee on Armed Services.
S. 2385. A bill to provide an adequate channel in Old and Atchafalaya Rivers; to the Committee on Public Works.

By Mr. DOUGLAS:
S. 2386. A bill for the relief of Guy Criel;
S. 2387. A bill for the relief of Willy Voos and his wife, Alma Voos; and
S. 2388. A bill for the relief of Gertrude Tutschka; to the Committee on the Judiciary.

By Mr. TOBEY (by request):
S. 2389. A bill to amend the act of December 3, 1942; to the Committee on Interstate and Foreign Commerce.

By Mr. CAPEHART:
S. 2390. A bill for the relief of Nazmee Hazamey Heddy; to the Committee on the Judiciary.

By Mr. MARTIN:
S. 2391. A bill to continue until the close of June 30, 1955, the suspension of duties and import taxes on metal scrap, and for other purposes; and
S. 2392. A bill relating to the computation of the invested capital credit for excess profits tax purposes in certain cases where property has been exchanged for stock and where the stock has been distributed as a taxable dividend; to the Committee on Finance.

By Mr. LANGER:
S. 2393. A bill to provide the means for determining fair market value in certain cases; to the Committee on the Judiciary.

By Mr. MUNDT (for himself and Mr. CASE):
S. J. Res. 101. Joint resolution to authorize an appropriation for the construction, extension, and improvement of a grade school building in the town of Mission, S. Dak.; to the Committee on Interior and Insular Affairs.

CONSTRUCTION AT STATIONS OF ALASKA COMMUNICATION SYSTEM

Mr. SALTONSTALL. Mr. President, by request, I introduce for appropriate reference a bill recommended by the Department of Defense, to authorize the Secretary of the Army to proceed with construction at stations of the Alaska Communication System.

I ask that the accompanying letter of transmittal explaining the purpose of the bill be printed in the RECORD immediately following the listing of the bill introduced.

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

The bill (S. 2375) to authorize the Secretary of the Army to proceed with construction at stations of the Alaska Communication System, introduced by Mr. SALTONSTALL (by request), was received, read twice by its title, and referred to the Committee on Armed Services.

The letter accompanying Senate bill 2375 is as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D. C., January 5, 1953.

Hon. ALBEN W. BARKLEY,
President of the Senate.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation "to authorize the Secretary of the Army to proceed with construction at stations of the Alaska Communication System."

This proposal is a part of the Department of Defense legislative program for 1953 and the Bureau of the Budget has advised that there is no objection to the presentation of

this proposal for the consideration of the Congress. The Department of Defense recommends that it be enacted by the Congress.

PURPOSE OF THE LEGISLATION

This legislative proposal would authorize construction of living quarters, operational buildings, and utilities at 30 stations of the Alaska Communication System at a cost of $4,517,000.

The Alaska Communication System furnishes the only long-line communications between points in the Territory of Alaska and between Alaska and the United States. Under authority of the act of June 12, 1948 (63 Stat. 375, 378), there was instituted a program of construction and improvement of living quarters for personnel and operational buildings to house the expensive equipment used by the System. This program of rehabilitation and new construction was necessary in order to replace the inadequate, temporary wartime, and prewar construction, in many places consisting of merely tarpaper-covered shacks. The program has now progressed to the point that its conclusion is in sight. The present proposal includes construction of living quarters for 64 families, troop housing, operational buildings, and utilities.

LEGISLATIVE REFERENCES

Prior construction in the mentioned program was authorized by the acts of June 12, 1948 (62 Stat. 378) and October 27, 1949 (63 Stat. 934). An identical proposal, included in the Department of Defense legislative program for 1952, was transmitted to the Congress by this Department by letter dated May 2, 1952, with the recommendation that it be enacted. That proposal was introduced as H. R. 7725.

COST AND BUDGET DATA

This proposal would authorize the appropriation of $4,517,000. It would also cancel existing appropriation authorization in the amount of $1,403,255.

DEPARTMENT OF DEFENSE ACTION AGENCY

The Department of the Army has been designated as the representative of the Department of Defense for this legislation.

Sincerely yours,

ROGER KENT.

EXTENSION OF EXCESS-PROFITS TAX LAW—AMENDMENT

Mr. WILLIAMS (for himself and Mr. HENDRICKSON) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 5898) to extend until December 31, 1953, the period with respect to which the excess-profits tax shall be effective, which was ordered to lie on the table and to be printed.

HOUSE BILL REFERRED

The bill (H. R. 5877) to amend certain administrative provisions of the Tariff Act of 1930 and related laws, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

NOTICE OF CONSIDERATION OF NOMINATION OF JOSEPH SIMONSON

Mr. WILEY. The President sent to the Senate today the nomination of Joseph Simonson, of Minnesota, to be Ambassador of the United States to Ethiopia. I give notice that the nomination will be considered by the Committee on Foreign Relations after 6 days have expired under the committee rule.

NOTICE OF HEARING ON NOMINATIONS OF UNITED STATES ATTORNEYS AND UNITED STATES MARSHALS

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, July 21, 1953, at 10 a. m., in room 424, Senate Office Building, upon the following nominations. At the indicated time and place all persons interested in the nominations may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Tennessee [Mr. KEFAUVER].

Simon S. Cohen, of Connecticut, to be United States attorney for the district of Connecticut, vice Adrian W. Maher, resigned;

Jack Chapler Brown, of Indiana, to be United States attorney for the southern district of Indiana, vice Marshall E. Hanley, resigning;

Krest Cyr, of Montana, to be United States attorney for the district of Montana, vice Dalton T. Pierson, resigned;

T. Fitzhugh Wilson, of Louisiana, to be United States attorney for the western district of Louisiana, vice William J. Fleniken, resigning;

Paul F. Larrazolo, of New Mexico, to be United States attorney for the district of New Mexico, vice Maurice Sanchez, resigning;

Richard Beal Kidd, of Arkansas, to be United States marshal for the eastern district of Arkansas, vice Noble V. Miller, resigning;

Roy McKinney Amos, of Indiana, to be United States marshal for the northern district of Indiana, vice Eugene J. Pajakowski, resigning;

Harry Jennings, of Michigan, to be United States marshal for the western district of Michigan, vice Edwin D. Bolger, retired; and

George A. Colbath, of New Hampshire, to be United States marshal for the district of New Hampshire, vice Alphonse Roy, term expiring.

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

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

By Mr. HILL:

Address commemorating the 100th anniversary of the death of Daniel Webster, delivered by Senator SALTONSTALL on October 24, 1952.

By Mr. LEHMAN:

John Dewey memorial address delivered by Joseph Jablonower at the 1952 convention of the American Federation of Teachers, at Syracuse, N. Y.

By Mr. KEFAUVER:

Statement by General of the Army Omar N. Bradley announcing his association with the Bulova Research & Development Laboratories, Inc.

Statement by Federal Union, Inc., regarding removal of Clarence K. Streit's book, Union Now, from certain State Department overseas libraries.

By Mr. THYE:

Address on the cattle situation, broadcast by R. J. Riddell, executive vice president of the National Live Stock Exchange on July 10, 1953.

By Mr. JOHNSTON of South Carolina:

Article entitled "Rubber Plants Are Next To Go," written by Thomas L. Stokes, published in the Washington Evening Star of July 13, 1953.

By Mr. MAGNUSON:

Editorial entitled "United States Cop Switches to Big Business Side," published in Labor on June 27, 1953.

By Mr. CASE:

Article entitled "History of the National Championship High School Rodeo," supplied by the committee for the American Legion of New Underwood, S. Dak.

By Mr. LANGER:

Editorial entitled "Fifth Horseman," published in the Washington Post of Sunday, April 12, 1953, relating to juvenile delinquency.

Letter regarding appropriation for the Interstate Commerce Commission, addressed to Mr. LANGER under date of April 15, 1953, by Elmer W. Cart, president, public service commission, State of North Dakota.

Article entitled "When Will Peace Return to the World?" published in Our Sunday Visitor, the National Catholic action weekly, of Huntington, Ind., on January 11, 1953.

By Mr. WILEY:

Excerpts from letters supporting his efforts on behalf of sound foreign policy leadership.

UNANIMOUS REPORT OF GOVERNORS ATTENDING SEVEN-STATE DROUGHT CONFERENCE, AMARILLO, TEX., JULY 10, 1953

Mr. SCHOEPPEL. Mr. President, on July 10 a very important conference was held by seven governors at Amarillo, Tex., to consider the drought situation. The President of the United States attended. Following the conference the governors issued a report. As a part of my remarks I ask unanimous consent that the report of the governors following the conference be printed in the body of the RECORD. I believe it to be most noteworthy.

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

UNANIMOUS REPORT OF GOVERNORS ATTENDING SEVEN-STATE DROUGHT CONFERENCE, AMARILLO, TEX., JULY 10, 1953

The Governors of the States of Arkansas, Colorado, Kansas, New Mexico, Oklahoma, and Texas, and representatives of the Governor of Arizona, have reviewed all phases of the drought situation in its immediate and long-range aspects.

They were exceedingly heartened by the action of the President of the United States in coming to Amarillo in person to confer with governors and with the people of the affected area. His visit emphasizes the recognition which has been already given to the vast implications of the situation not only to the ranching and farm industry, but to the entire economy of the Nation.

The assurance given by the President that the resources of the Nation would be made available, fully and speedily, to assist the States in meeting this problem gave great encouragement to the affected areas and presented a challenge to the States and the people concerned to put forth, in turn, their unlimited effort in the direction of adequate and prompt solution of the problems involved.

Speaking in behalf of the peoples of their several States, the governors wish to make

public expression of their great appreciation to President Eisenhower, to Secretary of Agriculture Ezra Taft Benson, and to Federal Civil Defense Administrator Val Peterson for their visit to this area and for their most stimulating and helpful suggestions and announcements of Federal Government policy.

The Governors, in turn, would like to emphasize the responsibility of all States and local areas concerned to use every available resource and service of State and communities to the attainment of the common goal.

We recognize that the economy of America is dependent upon adequate solution of problems facing the livestock and agriculture industries, and that the small operator in these fields must succeed in proportion to the success of the larger producers.

The governors believe that a firm program of meat purchasing, at adequate prices for all grades, is of primary importance. It is recommended that the plans in this connection which have already been inaugurated by the Secretary of Agriculture be carried out with all expedition, and that, at a later date, the entire situation be reviewed and again with the idea of presenting to the Secretary suggestions for the continuation of this program if that course appears indicated.

The present plan for making feed available at prices which can be paid is commended, and it is suggested by the governors that consideration be given to the inclusion of hay in the program.

The governors view with satisfaction the steps being taken to extend lines of credit in the affected areas, and are gratified over the passage by the Congress of legislation giving further resources to the Government for an extension of this phase of the program, with emphasis on assistance to the small operator.

Supplementing the present steps which have been taken to reduce freight rates on feedstuffs, the governors suggest further extension of this assistance to all feedstuffs, moved into the disaster areas and to livestock moved out of those areas, with such reduction in cost to be reflected in prices to the producers. It is urged that both rail and truck shippers cooperate in this program.

At the conference of the governors and in the public meeting which they attended, the point was raised that the livestock producer, while having no price support on his products, must use in his operation commodities which do have such Government support. The governors recommend that a thorough study be made of the implications of this problem, a study which should lead to equitable solution in respect to all farming and livestock commodities.

The governors recognize that the small farmers in the drought areas are affected just as adversely and are in need of assistance just as surely as are the members of the livestock industry, and we promise, on behalf of the States, to give them that help, and we recommend that the Federal Government extend the benefits of the drought-relief progress to these farmers as well as to the raisers of cattle.

It is deemed particularly important that emphasis be placed on the present plans which call for administration of the program by committees constituted in the local communities concerned.

In respect to the long-range aspects of the problem, the governors feel that it is incumbent upon Federal and State governments alike to give most diligent attention to the continued development of sound policies of soil conservation and of upstream water conservation.

The effect of the steps already taken to meet this situation have, even now, been reflected in increased prices of livestock. It is the belief of the governors that, with the cooperation of Federal, State, and local government, and with the native ability, determined effort, and courageous spirit of the people themselves, a solution can be reached which will be viewed with satisfaction by all concerned.

To this end, the governors dedicate their best efforts.

(This conference was attended by the following Governors: Hon. Allan Shivers, Texas; Hon. Edward F. Arn, Kansas; Hon. Johnston Murray, Oklahoma; Hon. Edwin L. Mechem, New Mexico; Hon. Dan Thornton, Colorado; Hon. Francis Cherry, Arkansas. Messrs. Jacobs and Cowden representing Governor Pyle, of Arizona.)

THE 100TH ANNIVERSARY OF THE LANDING OF COMMODORE PERRY IN JAPAN

Mr. GREEN. Mr. President, 100 years ago last Wednesday there sailed into the Bay of Tokyo four ships commanded by Commodore Matthew Calbraith Perry, a native of Newport, R. I. It was a great event in the history of the world.

As the people of the villages on the shores of the bay looked through the mists they saw ships such as they had never seen. They gathered in great numbers at the shore and on the hills, with curiosity and fear.

Commodore Perry carried with him a written message from President Fillmore, addressed to the Emperor of Japan, asking that the Empire be opened to commerce with the United States. Six days later, after preliminaries had been arranged, he went ashore and met with the representatives of the Shogun, who received the letters on behalf of the Emperor. There began the negotiations which finally resulted in the opening of Japan to the world, an event of incalculable significance.

The mayor of Newport, proud of the native son of Newport, has called upon the citizens of Newport and the State of Rhode Island, and upon good Americans everywhere, to celebrate the event. Today they are celebrating it. A new 5-cent stamp commemorating the event has been issued, and this afternoon the Secretary of State is presiding at ceremonies in honor of the occasion, which I hope to attend.

In this connection, I ask unanimous consent to have printed in the body of the RECORD a proclamation issued by the Honorable Dean J. Lewis, mayor of Newport, R. I.

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS—CITY OF NEWPORT

PROCLAMATION

Whereas the year 1953 is the 100th anniversary of the landing of Commodore Matthew Calbraith Perry, United States Navy, upon the shores of Japan to establish trade relations with that country whose ports had been closed for 200 years in fear of imperialism; and

Whereas Commodore Matthew Calbraith Perry was born in Newport, R. I., and entered the service of the United States Navy at an early age and had a successful career which culminated in the Japan Expedition; and

Whereas this centennial anniversary is an opportunity to build even better understanding and relations between Japan and the United States as an important step between the peoples of both countries who share the same principles of individualism and a belief in government by law in a world struggling for human rights and freedoms; and

Whereas the Japanese Government has taken the initiative in the demonstration of our continuing friendship by planning a pageant in Tokyo Bay and is sending its art treasure to America on tour; and

Whereas the Perry Centennial Committee, with the cooperation of the Department of State, the Department of the Navy, and local naval officials, has arranged many appropriate activities throughout this year in the city of Newport, R. I.

Now, therefore, I, the Honorable Dean J. Lewis, mayor of the city of Newport in the State of Rhode Island, do hereby proclaim this year of 1953 as Perry Centennial Observance Year, and do urge our citizens to support wholeheartedly the Perry Centennial Committee in its efforts to celebrate significantly the continued amicable relations established in 1853 by Commodore Matthew Calbraith Perry in opening the ports of Japan to the Western World.

In witness whereof I have hereunto signed my name officially and caused the seal of the city of Newport to be affixed, this 2d day of March 1953.

[SEAL] DEAN J. LEWIS,
Mayor.

Mr. SALTONSTALL. Mr. President, will the Senator from Rhode Island yield?

Mr. GREEN. I yield.

Mr. SALTONSTALL. As a fellow New Englander, I should like to say that this significant anniversary was called to my attention. I am certainly happy to join with the Senator from Rhode Island in the commemoration of an event which sheds luster on a distinguished son of the great State of Rhode Island and Providence Plantations. As a fellow New Englander I am equally proud of the achievement of Commodore Perry.

Mr. GREEN. Mr. President, I thank the distinguished Senator from Massachusetts for his kind words.

IMPORTANCE OF THE MUTUAL SECURITY PROGRAM

Mr. THYE. Mr. President, I ask unanimous consent that I may speak for not to exceed 4 minutes, in connection with a request to have an editorial printed in the body of the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the Senator from Minnesota may proceed.

Mr. THYE. Mr. President, examined in the true perspective of world events, the program of foreign military and economic aid is now at the point where it can be the most effective in consolidating the free world against the menace of Communist aggression. It would be shortsighted to discontinue this program just at the time when the Kremlin is having internal difficulties.

It would, in my opinion, be most unwise and undesirable if we in Congress undertook to greatly handicap the Mutual Security Agency, either by restrictive language relating to the carrying out of its functions, or by any further reductions in appropriations for implementation of military or economic aid.

Such drastic action would remind us of a farmer who had gone to the expense of

planting a crop of grain; had taken care of it during the period of growth, against all kinds of adverse conditions, and even against his own mistakes, and just when the grain was ready to harvest, decided he would have nothing more to do with it, and would save himself the expense and trouble of the harvest.

Over a period of years we have been painstakingly developing a program of mutual security, in order to strengthen the free countries of the world and to build resistance to communism. We have made mistakes. We have encountered adversities and setbacks. But now we are ready to harvest, so to speak, the seed that has been sown and nurtured in our effort to bring the free nations together as strong units in a united front against the Soviet menace. If we are unwilling now to complete the job, it is quite likely that all we have invested will be lost.

With the Kremlin facing difficulties with its satellites and suffering internal dissension, now is the time to hold fast to the united effort of the free nations.

If we were to curtail our program for unification, we could easily turn the balance and could give the Soviet a new advantage. The effect of such failure on our part could very easily be so drastic as to undermine the safety and security of the United States at this time.

I strongly believe that in this great undertaking in mutual security, the time is ripe to harvest results that will be a lasting gain not only for the nations we are assisting in this endeavor, but chiefly for ourselves and for the future of our country.

Mr. President, an excellent editorial on this subject appeared in the Washington Star of Sunday, July 12. I ask unanimous consent that the editorial be printed in the RECORD at this point, as a part of my remarks.

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

MR. DULLES' WARNING

In his appearance before the Senate Appropriations Committee, Secretary of State Dulles has given voice to a solemn and altogether persuasive warning against any further cuts in President Eisenhower's request for funds to finance this year's program of foreign military and economic aid under the Mutual Security Agency. It is a warning that can be ignored only at the risk of playing fast and loose with the safety of the Nation, and Congress as a whole will do well to ponder it most carefully.

The President has requested a bit more than $5.2 billion for the MSA's operations—a slash of $2.4 billion in the sum recommended for the same purpose by the Truman administration last January. In conference, both Houses of Congress have agreed on compromise legislation to authorize a total outlay of $5.1 billion, and now several members of the Senate Appropriations Committee have indicated that they are eager to cut much more deeply into the funds actually to be made available. Some of them have defended this position with wholly demagogic arguments casting unjustified aspersions on our allies. Others—with better sense, but shortsightedly—have taken the position that additional economies are necessary because the free world's future depends largely on the solvency of the United States and because that solvency is threatened by our record peacetime deficit and ever-mounting national debt.

Meeting both of these arguments head-on, and stressing how our topmost military authorities emphatically view the MSA's outlays as "the cheapest way to provide for our own security," Mr. Dulles has had this to say to the Senators: "You can cut this program substantially if you want to, and I'll tell you just what will happen. The entire mutual-security program will collapse. All free countries will say they had better try to go it alone. But some countries will find they won't be able to go it alone and will fall prey to Soviet communism. Then in 2 or 3 years we will be back here with a program that will make this one look like peanuts. Meanwhile, the balance of power will have shifted tremendously in favor of the Soviets through the acquisition of additional industrial capacity and the vital resources of petroleum, iron, tin—and war will have been made just that much closer and more probable." Perhaps this exaggerates a bit, but there can be no doubt that such a possibility is as real and as threatening as the Kremlin.

True enough, as made clear by what has happened to Lavrenti Beria, there is trouble in the Soviet Union right now, and conceivably the system of Red totalitarianism may be headed for a gigantic crackup. However, since conceivabilities are far from being probabilities, nothing could be more foolishly or dangerously wishful at this stage than to hope for the best without at the same time preparing for the worst. As far as mutual security is concerned, Congress—in keeping with the Dulles warning—should govern itself accordingly.

AID TO SMALL BUSINESS—TELEGRAM FROM GEORGE J. BURGER

Mr. LEHMAN. Mr. President, I ask unanimous consent that I may proceed for not to exceed 2½ minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and the Senator from New York may proceed.

Mr. LEHMAN. Mr. President, today I have received the following telegram from Mr. George J. Burger, vice president of the National Federation of Independent Business:

JULY 14, 1953.

HON. HERBERT LEHMAN,
Senate Office Building:

Carrying out the direct expressed vote of our nationwide membership they favor the adoption of the so-called Hill-Thye bill, commonly known as the Small Business Administration Act. Our testimony before your Committee Banking and Currency May 27 was all inclusive in support of the bill with the following recommendation. The proposed new agency to be entirely independent with all policy power vested entirely within the new administration, only under control of the Congress. We definitely opposed the inclusion of the Secretaries of Treasury and Commerce on the policy-making board. Similar position was taken by this association in our appearance before House Banking and Currency May 15. The bill should be a satisfactory bill and a great help to small business if the new administration is set up as outlined above. Would you be kind enough to read this message into the record

GEORGE J. BURGER,
Vice President, National Federation of Independent Business.

Mr. President, I am very glad indeed to have had the opportunity to read this message into the RECORD, inasmuch as it clearly states my own views and convictions, as well as those of many of my colleagues, regarding this very important legislative proposal. Unless we enact this measure or a similar measure, we shall have turned our backs on small business.

LIMITATION OF POWER TO GRANT STAY OF EXECUTION OR SENTENCE

Mr. McCARRAN. Mr. President, on yesterday I introduced, for appropriate reference, a bill (S. 2373) to limit in certain cases the power of a single justice or judge of the United States to grant a stay of execution or sentence in connection with a habeas corpus proceeding or other proceeding collaterally attacking the conviction of any person.

The present provisions of the judicial code allow any Federal judge—a district judge, a circuit judge, or a justice of the Supreme Court—to stay an execution or a sentence within his territorial jurisdiction. These stays are used to halt not merely the execution of Federal sentences, but the execution of State death penalties. During the past year, the Chief Judge of the Ninth Circuit has stayed at least one California sentence and one Nevada sentence, after the cases had gone all through the State and Federal courts on direct attack.

Senators are, of course, familiar also with the recent instance in which a single justice of the Supreme Court stayed the sentence of two convicted criminals; and the Supreme Court, after being called back in extraordinary session, dissolved the stay.

The bill which I have just introduced would limit the power of a single Federal judge to stay a sentence, so that he could do so only during the time when the conviction is being challenged by direct appeal to the State or lower Federal courts, or by petition for certiorari to the Supreme Court. Under this bill, when the affirmance on appeal has become final, if the petitioner thereafter seeks to bring habeas corpus or other form of collateral attack in the State or Federal courts, a stay could be granted only by the following Federal judges:

First, by the district judge who imposed the sentence, if the convict was sentenced in a Federal court.

Second, by a majority of the acting judges of the appropriate court of appeals.

Third, by a majority of the full bench of the United States Supreme Court.

In drafting this bill, Mr. President, I recognize the possibility that an occasion might arise when a judge or justice would see fit to grant a writ of habeas corpus on a date so close to the date fixed for the execution of the convicted person in whose behalf the writ was granted, that it would appear that a stay of execution might be necessary in order to effectuate the writ of habeas corpus. I have no desire to interfere in any way with the exercise of the writ of habeas corpus in the United States, Mr. President. Therefore, the bill contains a specific provision that nothing within it shall limit the power of any justice of the United States, or any circuit or district judge to stay the execution of a sentence of death in connection with any habeas corpus proceeding if it

appears that such sentence will be carried out before such proceeding can be disposed of, and that such stay is essential to a proper disposition of the proceedings under the writ.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill (S. 2373) was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the analysis of chapter 153 of title 28, United States Code, is amended by inserting immediately after item 2255 the following new item:

"§ 2256. Stay of execution or sentence

SEC. 2. Title 28, United States Code, is further amended by inserting immediately following section 2255 of such title a new section as follows:

"§ 2256. Stay of execution or sentence

"(a) A stay of execution or sentence in connection with any habeas corpus proceeding or other proceeding collaterally attacking any conviction of a person which has been affirmed by the highest court of any State shall be granted only by (1) the concurrent action of a majority of the circuit judges of a circuit who are in active service, or (2) the concurrent action of a majority of the justices of the United States who are in active service.

"(b) A stay of execution or sentence in connection with any habeas corpus proceeding or other proceeding collaterally attacking any conviction of a person obtained in a district court and affirmed by the Supreme Court, or with respect to which the Supreme Court has denied certiorari, shall be granted only by (1) the judge who presided at the trial in which the conviction was obtained, or (2) the concurrent action of a majority of the circuit judges of a circuit who are in active service, or (3) the concurrent action of a majority of the justices of the United States who are in active service.

"(c) Nothing contained in this section shall limit the power of any justice of the United States, or any circuit or district judge, to stay the execution of a sentence of death in connection with any habeas corpus proceeding if it appears that such sentence will be carried out before such proceeding can be disposed of, and that such stay is essential to a proper disposition of such proceedings."

GREAT LAKES CONNECTING CHANNELS

Mr. WILEY. Mr. President, it is my hope that the conferees on the Army civil functions bill will retain a vital provision for an engineering survey on the deepening of the Great Lakes connecting channels.

Coming, as I do, from an upper Lakes State, I am naturally deeply concerned about deep water access to Wisconsin, Michigan, Illinois, and Minnesota.

It is very clear that, irrespective of whether the United States takes the sound course of joining with Canada in the Great Lakes seaway, it will be absolutely imperative that the present channels be deepened.

To maintain the channels at their present depths would be equivalent to having a two-lane highway as the only means of entering and leaving Milwaukee or Chicago or Los Angeles, in this modern age of transportation.

The modest survey funds of $100,000 will repay themselves manyfold in terms of the expanded national income which will result from increased shipping.

It is, in my judgment, false economy to impair what will obviously be vital revenue-raising sources. The taxes which will be paid to Uncle Sam on the basis of increased Great Lakes shipping will more than compensate for the cost of the surveys and the cost of the ultimate channel deepening.

For a long time, we of the Midwest have watched hundreds of millions of dollars being poured into the deepening of various ports and waterways in every section of the Nation but our own. For waterways which do not carry the tiniest fraction of the traffic of the Great Lakes, we have watched the expenditure of funds many times the appropriations which would be involved in upper Lake channel deepening.

As everyone knows, we omitted provision for the connecting channels from the Great Lakes-St. Lawrence seaway bill. We did so because we felt that each issue should be taken up on its great merits—promptly, favorably, and without delaying action on either front.

I send to the desk the text of an editorial from last Saturday's issue of the Milwaukee Journal. Appended to it are excerpts from a letter sent by the distinguished port director of Milwaukee, Mr. Harry Brockel, to Representative GLENN DAVIS, a member of the House conference committee which will be working on the final report.

Elsewhere in his letter Mr. Brockel dealt with numerous technical phases of the channel-deepening survey.

I ask unanimous consent that the text of these two items be printed in the RECORD.

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

[From the Milwaukee Journal]

DEEPER LAKE CHANNELS NEEDED

When the Eisenhower administration endorsed the Great Lakes-St. Lawrence seaway from Lake Erie to Montreal, it was understood that the problem of deeper channels in the lakes above Erie would be handled by ordinary rivers and harbors legislation.

Obviously, to give lake ports on Huron, Superior, and Michigan full benefits, the seaway would have to be supplemented by deepening of channels that connect those lakes. Now the downbound and two-way channels between the lakes have a low-water depth of 25 feet. To start with, the seaway, under present plans, would have a depth of 27 feet. The upper lake channels should be brought to at least future seaway depth.

The seaway is going to be built. Canada promises that, even if we don't join her in the project. But even with no seaway, deeper lake channels are essential. Iron-ore carriers put into service since the end of World War II can carry up to 100 tons more of ore for each additional inch of immersion.

Admiral Spencer, president of the Lake Carriers' Association, told the Senate Appropriations Committee in May that lake shipping is able to carry 4 million tons more of cargo this year because of unusually high water than it could if water levels were at the low point in the water level cycle.

According to Harry C. Brockel, Milwaukee port director, most of the 42 vessels added to the lakes ore fleet since 1945 have drafts of 24 feet or more. As they require an additional 2 or 3 feet for underwater clearance, or "squat," the 25-foot low cycle water level which limits the channels is not sufficient if they are to carry full loads. Therefore, we need deeper channels for Great Lakes traffic even before the seaway is built.

In order to compile present data on lakes channels and bring information up to date—things necessary for any consideration by Congress of lakes channel projects—the Senate has included $100,000 in next year's budget. The House, on the recommendation of its Appropriations Committee, failed to vote $125,000 for the same job. The measure now goes to a Senate-House conference, where it is to be decided whether the House rejection of funds or the Senate's $100,000 is to stand for the 1954 budget.

JULY 3, 1953.

Hon. GLENN R. DAVIS,
House of Representatives.
Washington, D. C.

DEAR CONGRESSMAN DAVIS: * * *.

The present 25-foot project is no longer adequate. It is indicated that a project depth of the order of 27 feet is now necessary to serve present and prospective interlake traffic alone.

Tonnage on the Great Lakes approximates our total foreign waterborne commerce. On a ton mileage basis, it exceeds that on our inland waterways by 3.3 times, and that by our motor trucks by 1.6 times. Iron ore, limestone, coal, petroleum, and grain are the chief commodities moved on the lakes. Deeper channels are necessary to permit handling of larger ships now operating and in the blueprint stage, to reduce unit shipping costs, and thereby arrest spiralling costs for steel production and many other items. These larger ships are designed to handle some 24,000 tons of ore, equivalent to a freight train of 480 cars, with each car loaded to 50 tons.

Deepening of the connecting channels, accordingly, is an immediate, pressing problem. The normal investigative report is, however, necessary as a basis for congressional project authorization. Such a survey dovetails into the position of the Eisenhower administration, namely, that deepening of the connecting channels, Duluth to Lake Erie, should be treated separately upon its merits, without any tie-in with the St. Lawrence seaway 27-foot channel, Lake Erie to Montreal. Retention of the item of $100,000, specially earmarked for the connection channels navigation study, is an absolute necessity.

We therefore reiterate our request that conferees for the House join the Senate in supporting a budget appropriation for this highly important purpose.

Respectfully,

H. C. BROCKEL,
Chairman.

AMENDMENT OF WHEAT MARKETING QUOTA PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1938—CONFERENCE REPORT

Mr. AIKEN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5451) to amend the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes, and I ask unanimous consent for its present consideration. I do so at this time only because the House still has to act on the conference report, and it must be processed and signed today by the President.

The PRESIDING OFFICER (Mr. BUSH in the chair). The report will be read for the information of the Senate.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

5451) to amend the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2 and 3 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "sixty-two"; and the Senate agree to the same.

GEORGE D. AIKEN,
MILTON R. YOUNG,
EDWARD J. THYE,
ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
Managers on the Part of the Senate.
CLIFFORD R. HOPE,
AUGUST H. ANDRESEN,
WILLIAM S. HILL,
W. R. POAGE,
GEORGE GRANT,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the request for the present consideration of the report?

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

Mr. AIKEN. Mr. President, the report is identical with the bill as passed by the Senate, except that instead of providing for a 61-million-acre limitation on allotments, as provided in the bill as passed by the Senate, or an allotment of 66 million acres, as provided in the bill as passed by the House of Representatives, the conferees agreed upon 62 million acres as the minimum allotment for the program for 1954.

Mr. LANGER. Is that the maximum or the minimum allotment?

Mr. AIKEN. Sixty-two million acres is the minimum allotment.

Mr. HOLLAND. Mr. President, on behalf of the conferees from this side of the aisle, I should like to say that we were completely in accord regarding the conference report, and both the conferees from this side of the aisle were happy to sign it.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

WATERFRONT COMMISSION COMPACT BETWEEN THE STATES OF NEW JERSEY AND NEW YORK

Mr. HENDRICKSON. Mr. President, I should like to introduce an important piece of legislation, and to address myself briefly to the subject matter thereof.

The PRESIDING OFFICER. Without objection, the Senator from New Jersey may proceed.

Mr. HENDRICKSON. Mr. President, I rise at this time to introduce a bill granting the consent of Congress to a compact or agreement between the State of New Jersey and the State of New York, known as the Waterfront Commission Compact.

Acting as cosponsors of this worthy legislation are the senior and junior Senators from New York, the senior and junior Senators from New Jersey, and the junior Senator from New Hampshire.

The compact between those two great States represents the culmination of the efforts of men of goodwill to obliterate the long years of powder-keg conditions in an area of great human, social, and economic suffering—the waterfront of the port of New York.

The compact requires the urgent consideration of the Senate and the House of Representatives, Mr. President, because if it is not ratified at this session, the two States would have to establish separate interim administrations to supervise the regulations embodied in the compact.

This would be a costly and delaying procedure.

It would weaken the power of the fist which would otherwise be brought down hard to smash the conditions breeding evil and crime throughout the port of New York's tortured history.

Mr. President, a delay would bring about unnecessary duplication by two separate State commissions, unless the Congress takes the necessary action to approve the compact.

I might say, parenthetically, that only recently the Senate approved a bill sponsored by the Senator from Ohio [Mr. TAFT], the Senator from Michigan [Mr. FERGUSON] and the junior Senator from New Jersey, to establish a Commission on Federal-State Relationships.

The Commission will attempt, in part, to eliminate those overlapping functions which have served to plague the orderly processes and relationships of our State, local and Federal levels of Government.

Surely, Mr. President, we would not permit congressional inaction to contribute to further duplication of effort at the State level as it concerns New York and my own State of New Jersey.

The bi-State commission plan is aimed at cleaning up the corruption which has strained the economy not only of the port area itself, but also drained the pocketbooks of consumers and taxpayers the country over.

The issue before the Senate is a relatively simple one, Mr. President.

Shall we not add our blessings to the wedding plans which have been worked out by two of our great States?

New York and New Jersey are not coming to the Congress for help.

Heaven knows that the findings of the various State crime commissions and the Senate subcommittee headed by Senator Tobey directed our sharpest attention to the need for help from some source.

But these two States need no outside help; just the cooperation and understanding necessary to place a congressional stamp of approval upon the administration of the commission from both banks of the port of New York.

New York and New Jersey can do the job themselves, but the Constitution requires that we of the Congress must agree that they shall have that opportunity.

Mr. President, please permit me to read from article 1 of the compact as approved by the two State legislatures and signed by Governors Dewey and Driscoll, under whose inspired leadership this compact was born and, I am convinced, will flower into an effective enforcement agency.

Article 1 sets forth the findings which shook and rocked the American people on the occasion of their recent public disclosures.

In this, the junior Senator from New Hampshire had a leading hand.

Article 1, in part, says:

> The States of New Jersey and New York hereby find and declare that the conditions under which waterfront labor is employed within the port of New York district are depressing and degrading to such labor, resulting from the lack of any systematic method of hiring, the lack of adequate information as to the availability of employment, corrupt hiring practices and the fact that persons conducting such hiring are frequently criminals and persons notoriously lacking in moral character and integrity.

Mr. President, these compacts were passed by the legislatures of both States, by an overwhelming vote.

Mr. President, this reference in article 1 of the compact reflects the legislative findings which concluded that the methods for hiring waterfront labor and the conduct of the business of public loading and stevedoring are uneconomic, unjust, and degrading to the workingman.

This condition fosters waterfront crime and corruption, and adversely affects the economical and expeditious handling of port commerce.

The compact therefore declares that the current practices of public loaders must be eliminated and that the occupations of stevedores, pier superintendents, hiring agents, pier watchmen, and longshoremen must be regulated in the public interest.

In summarizing the compact, Mr. President, there are five basic features in the plan looking toward the improvement of waterfront labor conditions.

First, it would license pier superintendents and hiring agents—only persons of good character will be licensed for these key positions.

The license must be requested by the employer concerned; is good only for the duration of the employment and may be revoked for specified cause.

Secondly, stevedores and port watchmen would be licensed.

Third, the practice of public loading would be abolished.

This, in brief, is the obnoxious racket, unique on the New York waterfront and infested by racketeers, by which loading and unloading truck-to-pier cargo requires the exacting of fees.

Fourth, the compact requires the registration of longshoremen.

The right to register is absolute unless the person has been convicted of a crime, although this disqualification may be waived by the Commission.

Registration may also be forbidden if the longshoreman is engaged in subversive activity or unless his employment on the waterfront is clearly likely to endanger the public safety.

Fifth, the compact provides for the operation by the Commission of regionally located employment exchanges for registered longshoremen and licensed port watchmen.

This provides for the replacement of the wasteful and unworthy "shapeup" method.

The employment exchanges would provide information as to available employment and flexibility in obtaining such employment, but without interference with employer-employee freedom of selection or with provisions of collective bargaining agreements.

Mr. President, I emphasize that the rights of licensees and registrants are carefully protected by procedural safeguards set forth in article 11, including hearings, court review, and other requirements for the protection of the individual.

Mr. President, let me repeat what Governor Driscoll of my own State said in proposing this legislation to the New Jersey Legislature in a recent special message.

The Governor said:

It is now proposed to create an interstate commission to free the port district from the domination of gangsterism and to protect and promote the great economic assets of our country.

In effect, Mr. President, we in the Senate are now being asked to agree with the Governor that the States of New Jersey and New York be permitted to work out their own problems so that the hoodlums may be driven from the greatest harbor facility the world has ever known.

Mr. KEFAUVER. Mr. President, will the Senator from New Jersey yield?

Mr. HENDRICKSON. I gladly yield to the distinguished Sentor from Tennessee.

Mr. KEFAUVER. Mr. President, I have listened with great interest to the statement of the waterfront conditions which the Senator has described, and I think the governors and the legislatures of the two States involved are to be commended for trying to do something about this problem.

I desire to say that the major credit for bringing the Nation's attention to the bad situation which has prevailed over a period of many, many years should go to the distinguished Sentor from New Hampshire [Mr. TOBEY]. He has made a very thorough investigation and, as the Senator from New Jersey has so well pointed out, it is the result of his investigation and other investigations which have been carried on which have provided a basis for the action which is now proposed to be taken. The Senator from New Hampshire, in the face of many obstacles, has gotten at the bottom of the nefarious conditions which exist. I know we are all glad that the States themselves are taking measures to clean up the situation.

Mr. HENDRICKSON. I thank the distinguished Senator from Tennessee for his remarks. I associate myself with everything he has said. I and every other good citizen of New Jersey will ever owe a debt of gratitude to the distinguished Senator from New Hampshire for the good fight he has made in cleaning up hoodlumism in many areas of the country.

Both the Senator from New Hampshire and the Senator from Tennessee can feel, when this compact has been ratified, as I am sure it will be very soon, that they have made a valuable contribution to a movement which will ultimately rid the wonderful port of New York of some of the tragic things which have been occurring there in recent years.

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

Mr. HENDRICKSON. I am glad to yield to the Senator from New Hampshire.

Mr. TOBEY. I merely wish to say that if the bill is referred to my committee, I promise speedy action.

In regard to the Senator from Tennessee, what he has said is really only reflected glory for me. He was the leader in the great movement. He deserves a large part of the credit. I followed in his train.

Did the Senator from Tennessee hear me? I hope he did not miss it. It was good. [Laughter.]

Mr. HENDRICKSON. I thank the Senator from New Hampshire, and I say again that we of New Jersey will ever be grateful to him for the contribution he has made to this cause upon which we now join forces.

Mr. President, in order to take advantage of this magnificent opportunity for action, the Senate must act with dispatch.

A delay would, of course, mean that the grand plan is in distress before its good roots can take hold.

We should not by dilatory tactics force the establishment of inferior, uncoordinated administrative agencies in the separate States involved.

Mr. President, if we are to be against the sin of the waterfront, let us be firmly set against it by approving this compact of self-help forthrightly and promptly.

Let us not be for this sin of the waterfront in the lateness of the hour of this session, and be against its sin at some hour next year when the Congress convenes once more.

Let the appropriate committee examine its well-conceived provisions immediately——

Mr. TOBEY. I shall be glad to call a meeting of the Interstate Commerce Committee tomorrow morning.

Mr. HENDRICKSON. Mr. President, I hope and pray, with the enthusiasm which we hear expressed by the Senator from New Hampshire, that his distinguished committee will have the bill before it tomorrow morning. Then let this proposed legislation return to the Senate floor for final action well before adjournment date.

Mr. President, there are selfish interests who apparently are for the continuance of this sin.

The New York district council of the International Longshoremen's Association is reported to have voted to assess the union's members in the Port of New York $5 a man for a fund to contest the waterfront reform laws enacted by the State legislatures.

We know, therefore, of the forces which would delay the final enactment of the compact.

The Senate of the United States must rise to meet any challenge serving to prevent a concerted attack against this criminal evil, second to none in exacting tribute from the people of the United States.

Mr. President, I now introduce the bill for appropriate reference, and ask that it be printed in the RECORD.

There being no objection, the bill (S. 2383) granting the consent of Congress to a compact between the State of New Jersey and the State of New York known as the Waterfront Commission Compact, and for other purposes, introduced by Mr. HENDRICKSON (for himself, Mr. SMITH of New Jersey, Mr. IVES, Mr. LEHMAN, and Mr. TOBEY), was received, read twice by its title, referred to the Commitee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the compact set forth below to all of its terms and provisions, and to the carrying out and effectuation of said compact, and enactments in furtherance thereof:

"THE WATERFRONT COMMISSION COMPACT BETWEEN THE STATES OF NEW YORK AND NEW JERSEY AS AUTHORIZED BY CHAPTER 882 AS AMENDED BY CHAPTER 883 OF THE LAWS OF THE STATE OF NEW YORK OF 1953, AND BY CHAPTER 202 AS AMENDED BY CHAPTER 203 OF THE LAWS OF THE STATE OF NEW JERSEY OF 1953

"ARTICLE I

"Findings and declarations

"1. The States of New Jersey and New York hereby find and declare that the conditions under which waterfront labor is employed within the port of New York district are depressing and degrading to such labor, resulting from the lack of any systematic method of hiring, the lack of adequate information as to the availability of employment, corrupt hiring practices and the fact that persons conducting such hiring are frequently criminals and persons notoriously lacking in moral character and integrity and neither responsive or responsible to the employers nor to the uncoerced will of the majority of the members of the labor organizations of the employees; that as a result waterfront laborers suffer from irregularity of employment, fear and insecurity, inadequate earnings, an unduly high accident rate, subjection to borrowing at usurious rates of interest, exploitation and extortion as the price of securing employment, and a loss of respect for the law; that not only does there result a destruction of the dignity of an important segment of American labor, but a direct encouragement of crime which imposes a levy of greatly increased costs on food, fuel, and other necessaries handled in and through the port of New York district.

"2. The States of New Jersey and New York hereby find and declare that many of the evils above described result not only from the causes above described but from the practices of public loaders at piers and other waterfront terminals; that such public loaders serve no valid economic purpose and operate as parasites, exacting a high and unwarranted toll on the flow of commerce in and through the port of New York district, and have used force and engaged in discriminatory and coercive practices, including extortion against persons not desiring to employ them; and that the function of loading and unloading trucks and other land vehicles at piers and other waterfront terminals can and should be performed, as in every other major American port, without the evils and abuses of the public loader system, and by the carriers of freight by water, stevedores, and operators of such piers and other waterfront terminals or the operators of such trucks or other land vehicles.

"3. The States of New Jersey and New York hereby find and declare that many of the

evils above described result not only from the causes above described but from the lack of regulation of the occupation of stevedores; that such stevedores have engaged in corrupt practices to induce their hire by carriers of freight by water and to induce officers and representatives of labor organizations to betray their trust to the members of such labor organizations.

"4. The States of New Jersey and New York hereby find and declare that the occupations of longshoremen, stevedores, pier superintendents, hiring agents, and port watchmen are affected with a public interest requiring their regulation and that such regulation shall be deemed an exercise of the police power of the two States for the protection of the public safety, welfare, prosperity, health, peace, and living conditions of the people of the two States.

"ARTICLE II

"Definitions

"As used in this compact:

" 'The Port of New York district' shall mean the district created by article II of the compact dated April 30, 1921, between the States of New York and New Jersey, authorized by chapter 154 of the laws of New York of 1921 and chapter 151 of the laws of New Jersey of 1921.

" 'Commission' shall mean the waterfront commision of New York harbor established by article III hereof.

" 'Pier' shall include any wharf, pier, dock, or quay.

" 'Other waterfront terminal' shall include any warehouse, depot or other terminal (other than a pier) which is located within 1,000 yards of any pier in the port of New York district and which is used for waterborne freight in whole or substantial part.

" 'Person' shall mean not only a natural person but also any partnership, joint venture, association, corporation, or any other legal entity but shall not include the United States, any State or Territory thereof, or any department, division, board, commission, or authority of one or more of the foregoing.

" 'Carrier of freight by water' shall mean any person who may be engaged or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise (except for carriage of liquid cagoes in bulk in tank vessels designed for use exclusively in such service or carriage by barge of bulk cargoes consisting of only a single commodity loaded or carried without wrappers or containers and delivered by the carrier without transportation mark or count) in the carriage of freight by water between any point in the port of New York district and a point outside said district.

" 'Waterborne freight' shall mean freight carried by or consigned for carriage by carriers of freight by water.

" 'Longshoreman' shall mean a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore—

"(a) physically to move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, or

"(b) to engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores, or

"(c) to supervise directly and immediately others who are employed as in subdivision (a) of this definition.

" 'Pier superintendent' shall mean any natural person other than a longshoreman who is employed for work at a pier or other waterfront terminal by a carrier of freight by water or a stevedore and whose work at such pier or other waterfront terminal includes the supervision, directly or indirectly, of the work of longshoremen.

" 'Port watchman' shall include any watchman, gateman, roundsman, detective, guard, guardian or protector of property employed by the operator of any pier or other waterfront terminal or by a carrier of freight by water to perform services in such capacity on any pier or other waterfront terminal.

" 'Longshoremen's register' shall mean the register of eligible longshoremen compiled and maintained by the commission pursuant to article VIII.

" 'Stevedore' shall mean a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with a carrier of freight by water, in moving waterborne freight carried or consigned for carriage by such carrier on vessels of such carrier berthed at piers, on piers at which such vessels are berthed or at other waterfront terminals.

" 'Hiring agent' shall mean any natural person, who on behalf of a carrier of freight by water or a stevedore shall select any longshoreman for employment.

" 'Compact' shall mean this compact and rules or regulations lawfully promulgated thereunder.

"ARTICLE III

"Waterfront commission of New York Harbor

"1. There is hereby created the waterfront commission of New York Harbor, which shall be a body corporate and politic, an instrumentality of the States of New York and New Jersey.

"2. The commission shall consist of 2 members, 1 to be chosen by the State of New Jersey and 1 to be chosen by the State of New York. The member representing each State shall be appointed by the Governor of such State with the advice and consent of the Senate thereof, without regard to the State of residence of such member, and shall receive compensation to be fixed by the Governor of such State. The term of office of each member shall be for 3 years: *Provided, however,* That the members first appointed shall be appointed for a term to expire June 30, 1956. Each member shall hold office until his successor has been appointed and qualified. Vacancies in office shall be filled for the balance of the unexpired term in the same manner as original appointments.

"3. The commission shall act only by unanimous vote of both members thereof. Any member may, by written instrument filed in the office of the commission, designate any officer or employee of the commission to act in his place as a member whenever he shall be unable to attend a meeting of the commission. A vacancy in the office of a member shall not impair such designation until the vacancy shall have been filled.

"ARTICLE IV

"General powers of commission

"In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

"1. To sue and be sued;

"2. To have a seal and alter the same at pleasure;

"3. To acquire, hold and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

"4. To determine the location, size, and suitability of accommodations necessary and desirable for the establishment and maintenance of the employment information centers provided in article XII hereof and for administrative offices for the commission;

"5. To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties, and qualifications and fix their compensation and retain and employ counsel and private consultants on a contract basis or otherwise;

"6. To administer and enforce the provisions of this compact;

"7. To make and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof, to be effective upon publication in the manner which the commission shall prescribe and upon filing in the office of the secretary of state of each State. A certified copy of any such rules and regulations, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, approval, and publication thereof;

"8. By its members and its properly designated officers, agents, and employees, to administer oaths and issue subpenas throughout both States to compel the attendance of witnesses and the giving of testimony and the production of other evidence;

"9. To have for its members and its properly designated officers, agents, and employees, full and free access, ingress, and egress to and from all vessels, piers, and other waterfront terminals or other places in the port of New York district, for the purposes of making inspection or enforcing the provisions of this compact; and no person shall obstruct or in any way interfere with any such member, officer, employee, or agent in the making of such inspection, or in the enforcement of the provisions of this compact or in the performance of any other power or duty under this compact;

"10. To recover possession of any suspended or revoked license issued under this compact;

"11. To make investigations, collect, and compile information concerning waterfront practices generally within the port of New York district and upon all matters relating to the accomplishment of the objectives of this compact;

"12. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of this compact, upon all matters which the commission may desire, including but not limited to the form and substance of rules and regulations, the administration of the compact, maintenance of the longshoremen's register, and issuance and revocation of licenses;

"13. To make annual and other reports to the governors and legislatures of both States containing recommendations for the improvement of the conditions of waterfront labor within the port of New York district, for the alleviation of the evils described in article I and for the effectuation of the purposes of this compact. Such annual reports shall state the commission's finding and determination as to whether the public necessity still exists for (a) the continued registration of longshoremen, (b) the continued licensing of any occupation or employment required to be licensed hereunder and (c) the continued public operation of the employment information centers provided for in article XII;

"14. To cooperate with and receive from any department, division, bureau, board, commission, or agency of either or both States, or of any county or municipality thereof, such assistance and data as will enable it properly to carry out its powers and duties hereunder; and to request any such department, division, bureau, board, commission, or agency, with the consent thereof, to execute such of its functions and powers, as the public interest may require.

"The powers and duties of the commission may be exercised by officers, employees, and agents designated by them, except the power to make rules and regulations. The commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either State concurred in by the legislature of the other.

"ARTICLE V

"Pier superintendents and hiring agents

"1. On or after the 1st day of December, 1953, no person shall act as a pier superintendent or as a hiring agent within the port of New York district without first having obtained from the commission a license to act as such pier superintendent or hiring agent, as the case may be, and no person shall employ or engage another person to act as a pier superintendent or hiring agent who is not so licensed.

"2. A license to act as a pier superintendent or hiring agent shall be issued only upon the written application, under oath, of the person proposing to employ or engage another person to act as such pier superintendent or hiring agent, verified by the prospective licensee as to the matters concerning him, and shall state the following:

"(a) The full name and business address of the applicant;

"(b) The full name, residence, business address (if any), place and date of birth and social-security number of the prospective licensee;

"(c) The present and previous occupations of the prospective licensee, including the places where he was employed and the names of his employers;

"(d) Such further facts and evidence as may be required by the Commission to ascertain the character, integrity and identity of the prospective licensee; and

"(e) That if a license is issued to the prospective licensee, the applicant will employ such licensee as pier superintendent or hiring agent, as the case may be.

"3. No such license shall be granted

"(a) Unless the Commission shall be satisfied that the prospective licensee possesses good character and integrity;

"(b) If the prospective licensee has, without subsequent pardon, been convicted by a court of the United States, or any State or territory thereof, of the Commission of, or the attempt or conspiracy to commit treason, murder, manslaughter or any felony or high misdemeanor or any of the following misdemeanors or offenses; illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding an escape from prison; unlawfully possessing or distributing habit-forming narcotic drugs; and violation of this compact. Any such prospective licensee ineligible for a license by reason of any such conviction may submit satisfactory evidence to the Commission that he has for a period of not less than 5 years, measured as hereinafter provided, and up to the time of application, so conducted himself as to warrant the grant of such license, in which event the Commission may, in its discretion, issue an order removing such ineligibility. The aforesaid period of 5 years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of his unrevoked release from custody by parole, commutation or termination of his sentence;

"(c) If the prospective licensee knowingly or wilfully advocates the desirability of overthrowing or destroying the Government of the United States by force or violence or shall be a member of a group which advocates such desirability, knowing the purposes of such group include such advocacy.

"4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the prospective licensee possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver to the propective licensee a license to act as pier superintendent or hiring agent for the applicant, as the case may be, and shall inform the applicant of his action. The commission may issue a temporary permit to any prospective licensee for a license under the provisions of this article pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of 30 days.

"5. No person shall be licensed to act as a pier superintendent or hiring agent for more than one employer, except at a single pier or other waterfront terminal, but nothing in this article shall be construed to limit in any way the number of prier superintendents or hiring agents any employer may employ.

"6. A license granted pursuant to this article shall continue through the duration of the licensee's employment by the employer who shall have applied for his license.

"7. Any license issued pursuant to this article may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses:

"(a) Conviction of a crime or act by the licensee or other cause which would require or permit his disqualification from receiving a license upon original application;

"(b) Fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity;

"(c) Violation of any of the provisions of this compact;

"(d) Addiction to the use of or trafficking in morphine, opium, cocaine or other narcotic drug;

"(e) Employing, hiring or procuring any person in violation of this compact or inducing or otherwise aiding or abetting any person to violate the terms of this compact;

(f) Paying, giving, causing to be paid or given or offering to pay or give to any person any valuable consideration to induce such other person to violate any provision of this compact or to induce any public officer, agent or employee to fail to perform his duty hereunder;

"(g) Consorting with known criminals for an unlawful purpose;

"(h) Transfer or surrender of possession of the license to any person either temporarily or permanently without satisfactory explanation;

"(i) False impersonation of another licensee under this compact;

"(j) Receipt or solicitation of anything of value from any person other than the licensee's employer as consideration for the selection or retention for employment of any longshoreman;

"(k) Coercion of a longshoreman by threat of discrimination or violence or economic reprisal, to make purchases from or to utilize the services of any person;

"(l) Lending any money to or borrowing any money from a longshoreman for which there is a charge of interest or other consideration; and

"(m) Membership in a labor organization which represents longshoremen or port watchmen; but nothing in this section shall be deemed to prohibit pier superintendents or hiring agents from being represented by a labor organization or organizations which do not also represent longshoremen or port watchmen. The American Federation of Labor, the Congress of Industrial Organizations and any other similar federation, congress, or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshoremen or port watchmen within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or port watchmen.

"ARTICLE VI

"Stevedores

"1. On or after the first day of December, 1953, no person shall act as a stevedore within the port of New York district without having first obtained a license from the commission, and no person shall employ a stevedore to perform services as such within the port of New York district unless the stevedore is so licensed.

"2. Any person intending to act as a stevedore within the port of New York district shall file in the office of the commission a written application for a license to engage in such occupation, duly signed and verified as follows:

"(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address (if any), present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity, and identity of each natural person so signing such application.

"(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary, and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders owning 5 percent or more of any of the stock thereof, and of all officers (including all members of the board of directors). The requirements of subdivision (a) of this section as to a natural person who is a member of a partnership, and such requirements as may be specified in rules and regulations promulgated by the commission, shall apply to each such officer or stockholder and their successors in office or interest as the case may be.

"In the event of the death, resignation, or removal of any officer, and in the event of any change in the list of stockholders who shall own 5 percent or more of the stock of the corporation, the secretary of such corporation shall forthwith give notice of that fact in writing to the commission, certified by said secretary.

"3. No such license shall be granted

"(a) If any person whose signature or name appears in the application is not the real party in interest required by section 2 of this article to sign or to be identified in the application or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest;

"(b) Unless the commission shall be satisfied that the applicant and all members, officers, and stockholders required by section 2 of this article to sign or be identified in the application for license possess good character and integrity;

"(c) Unless the applicant is either a natural person, partnership, or corporation;

"(d) Unless the applicant shall be a party to a contract then in force or which will take effect upon the issuance of a license, with a carrier of freight by water for the loading and unloading by the applicant of one or more vessels of such carrier at a pier within the port of New York district;

"(e) If the applicant or any member, officer, or stockholder required by section 2 of this article to sign or be identified in the application for license has, without subsequent pardon, been convicted by a court of the United States or any State or Territory thereof of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, or any felony or high

misdemeanor or any of the misdemeanors or offenses described in subdivision (b) of section 3 of article V. Any applicant ineligible for a license by reason of any such conviction may submit satisfactory evidence to the commission that the person whose conviction was the basis of ineligiblity has for a period of not less than 5 years, measured as hereinafter provided and up to the time of application, so conducted himself as to warrant the grant of such license, in which event the commission may, in its discretion issue an order removing such ineligiblity. The aforesaid period of 5 years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of his unrevoked release from custody by parole, commutation, or termination of his sentence;

"(f) If, on or after July 1, 1953, the applicant has paid, given, caused to have been paid or given or offered to pay or give to any officer or employee of any carrier of freight by water any valuable consideration for an improper or unlawful purpose or to induce such person to procure the employment of the applicant by such carrier for the performance of stevedoring services;

"(g) If, on or after July 1, 1953, the applicant has paid, given, caused to be paid or given or offered to pay or give to any officer or representative of a labor organization any valuable consideration for an improper or unlawful purpose or to induce such officer or representative to subordinate the interests of such labor organization or its members in the management of the affairs of such labor organization to the interests of the applicant.

"4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver a license to such applicant. The commission may issue a temporary permit to any applicant for a license under the provisions of this article pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of 30 days.

"5. A license granted pursuant to this article shall be for a term of 2 years or fraction of such 2-year period, and shall expire on the first day of December of each odd-numbered year. In the event of the death of the licensee, if a natural person, or its termination or dissolution by reason of the death of a partner, if a partnership, or if the licensee shall cease to be a party to any contract of the type required by subdivision (d) of section 3 of this article, the license shall terminate 90 days after such event or upon its expiration date, whichever shall be sooner. A license may be renewed by the commission for successive 2-year periods upon fulfilling the same requirements as are set forth in this article for an original application.

"6. Any license issued pursuant to this article may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses on the part of the licensee or of any person required by section 2 of this article to sign or be identified in an original application for a license:

"(a) Conviction of a crime or other cause which would permit or require disqualification to the licensee from receiving a license upon original application;

"(b) Fraud, deceit, or misrepresentation in securing the license or in the conduct of the licensed activity;

"(c) Failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of his activities within the port of New York district;

"(d) Failure to keep said books and records available during business hours for inspection by the commission and its duly designated representatives until the expiration of the fifth calendar year following the calendar year during which occurred the transactions recorded therein;

"(e) Any other offense described in subdivisions (c) to (i), inclusive, of section 7 of article V.

"ARTICLE VII

"Prohibition of public loading

"1. The States of New Jersey and New York hereby find and declare that the transfer of cargo to and from trucks at piers and other waterfront terminals in the port of New York district has resulted in vicious and notorious abuses by persons commonly known as 'public loaders.' There is compelling evidence that such persons have exacted the payment of exorbitant charges for their services, real and alleged, and otherwise extorted large sums through force, threats of violence, unauthorized labor disturbances and other coercive activities, and that they have been responsible for and abetted criminal activities on the waterfront. These practices which have developed in the port of New York district impose unjustified costs on the handling of goods in and through the port of New York district, and increase the prices paid by consumers for food, fuel, and other necessaries, and impair the economic stability of the port of New York district. It is the sense of the Legislatures of the States of New York and New Jersey that these practices and conditions must be eliminated to prevent grave injury to the welfare of the people.

"2. It is hereby declared to be against the public policy of the States of New Jersey and New York and to be unlawful for any person to load or unload waterborne freight onto or from vehicles other than railroad cars at piers or at other waterfront terminals within the port of New York district, for a fee or other compensation, other than the following persons and their employees:

"(a) Carriers of freight by water, but only at piers at which their vessels are berthed;

"(b) Other carriers of freight (including but not limited to railroads and truckers), but only in connection with freight transported or to be transported by such carriers;

"(c) Operators of piers or other waterfront terminals (including railroads, truck terminal operators, warehousemen and other persons), but only at piers or other waterfront terminals operated by them;

"(d) Shippers or consignees of freight, but only in connection with freight shipped by such shipper or consigned to such consignee;

"(e) Stevedores licensed under article VI, whether or not such waterborne freight has been or is to be transported by a carrier of freight by water with which such stevedore shall have a contract of the type prescribed by subdivision (d) of section 3 of article VI.

"Nothing herein contained shall be deemed to permit any such loading or unloading of any waterborne freight at any place by any such person by means of any independent contractor, or any other agent other than an employee, unless such independent contractor is a person permitted by this article to load or unload such freight at such place in his own right.

"ARTICLE VIII

"Longshoremen

"1. The commission shall establish a longshoremen's register in which shall be included all qualified longshoremen eligible, as hereinafter provided, for employment as such in the port of New York district. On or after the 1st day of December 1953, no person shall act as a longshoreman within the port of New York district unless at the time he is included in the longshoremen's register, and no person shall employ another to work as a longshoreman within the port of New York district unless at the time such other person is included in the longshoremen's register.

"2. Any person applying for inclusion in the longshoremen's register shall file at such place and in such manner as the commission shall designate a written statement, signed and verified by such person, setting forth his full name, residence address, social-security number, and such further facts and evidence as the commission may prescribe to establish the identity of such person and his criminal record, if any.

"3. The commission may in its discretion deny application for inclusion in the longshoremen's register by a person—

"(a) Who has been convicted by a court of the United States or any State or Territory thereof, without subsequent pardon, of treason, murder, manslaughter or of any felony or high misdemeanor or of any of the misdemeanors or offenses described in subdivision (b) of section 3 of artivle V or of attempt or conspiracy to commit any of such crimes;

"(b) Who knowingly or willingly advocates the desirability of overthrowing or destroying the Government of the United States by force or violence or who shall be a member of a group which advocates such desirability knowing the purposes of such group includes such advocacy;

"(c) Whose presence at the piers or other waterfront terminals in the port of New York district is found by the commission on the basis of the facts and evidence before it, to constitute a danger to the public peace or safety;

"4. Unless the commission shall determine to exclude the applicant from the longshoremen's register on a ground set forth in section 3 of this article it shall include such person in the longshoremen's register. The commission may permit temporary registration of any applicant under the provisions of this article pending final action on an application made for such registration. Any such temporary registration shall be valid for a period not in excess of 30 days.

"5. The commission shall have power to reprimand any longshoremen registered under this article or to remove him from the longshoremen's register for such period of time as it deems in the public interest for any of the following offenses:

"(a) Conviction of a crime or other cause which would permit disqualification of such person from inclusion in the longshoremen's register upon original application;

"(b) Fraud, deceit or misrepresentation in securing inclusion in the longshoremen's register;

"(c) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of inclusion in the longshoremen's register, without satisfactory explanation;

"(d) False impersonation of another longshoreman registered under this article or of another person licensed under this compact;

"(e) Willful commission of or willful attempt to commit at or on a waterfront terminal or adjacent highway any act of physical injury to any other person or of wilful damage to or misappropriation of any other person's property, unless justified or excused by law; and

"(f) Any other offense described in subdivisions (c) to (f) inclusive of section 7 of article V.

"6. The commission shall have the right to recover possession of any card or other means of identification issued as evidence of inclusion in the longshoremen's register in the event that the holder thereof has been removed from the longshoremen's register.

"7. Nothing contained in this article shall be construed to limit in any way any rights of labor reserved by article XV.

"ARTICLE IX

"Regularization of longshoremen's employment

"1. On or after the 1st day of December 1954, the commission shall, at regular intervals, remove from the longshoremen's register any person who shall have been registered for at least 9 months and who shall have failed during the preceding 6 calendar months either to have worked as a longshoreman in the port of New York district or to have applied for employment as a longshoreman at an employment information center established under article XII for such minimum number of days as shall have been established by the commission pursuant to section 2 of this article.

"2. On or before the 1st day of June 1954, and on or before each succeeding 1st day of June or December, the commission shall, for the purposes of section one of this article, establish for the 6-month period beginning on each such date a minimum number of days and the distribution of such days during such period.

"3. In establishing any such minimum number of days or period, the commission shall observe the following standards:

"(a) To encourage as far as practicable the regularization of the employment of longshoremen;

"(b) To bring the number of eligible longshoremen more closely into balance with the demand for longshoremen's services within the port of New York district without reducing the number of eligible longshoremen below that necessary to meet the requirements of longshoremen in the port of New York district;

"(c) To eliminate oppressive and evil hiring practices affecting longshoremen and waterborne commerce in the port of New York district;

"(d) To eliminate unlawful practices injurious to waterfront labor; and

"(e) To establish hiring practices and conditions which will permit the termination of governmental regulation and intervention at the earliest opportunity.

"4. A longshoreman who has been removed from the longshoremen's register pursuant to this article may seek reinstatement upon fulfilling the same requirements as for initial inclusion in the longshoremen's register, but not before the expiration of 1 year from the date of removal, except that immediate reinstatement shall be made upon proper showing that the registrant's failure to work or apply for work the minimum number of days above described was caused by the fact that the registrant was engaged in the military service of the United States or was incapacitated by ill health, physical injury, or other good cause.

"5. Notwithstanding any other provision of this article, the commission shall at any time have the power to register longshoremen on a temporary basis to meet special or emergency needs.

"ARTICLE X

"Port watchman

"1. On or after the 1st day of December, 1953, no person shall act as a port watchman within the port of New York district without first having obtained a license from the commission, and no person shall employ a port watchman who is not so licensed.

"2. A license to act as a port watchman shall be issued only upon written application, duly verified, which shall state the following:

"(a) The full name, residence, business address (if any), place and date of birth and social security number of the applicant;

"(b) The present and previous occupations of the applicant, including the places where he was employed and the names of his employers;

"(c) The citizenship of the applicant and, if he is a naturalized citizen of the United States, the court and date of his naturalization; and

"(d) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the applicant.

"3. No such license shall be granted—

"(a) Unless the commission shall be satisfied that the applicant possesses good character and integrity;

"(b) If the applicant has, without subsequent pardon, been convicted by a court of the United States or of any State or territory thereof of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, or any felony or high misdemeanor or any of the misdemeanors or offenses described in subdivision (b) of section 3 of article V;

"(c) Unless the applicant shall meet such reasonable standards of physical and mental fitness for the discharge of his duties as may from time to time be established by the commission;

"(d) If the applicant shall be a member of any labor organization which represents longshoremen or pier superintendents or hiring agents; but nothing in this article shall be deemed to prohibit port watchmen from being represented by a labor organization or organizations which do not also represent longshoremen or pier superintendents or hiring agents. The American Federation of Labor, the Congress of Industrial Organizations and any other similar federation, congress or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshoremen or pier superintendents or hiring agents within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or pier superintendents or hiring agents.

"(e) If the applicant knowingly or wilfully advocates the desirability of overthrowing or destroying the Government of the United States by force or violence or shall be a member of a group which advocates such desirability, knowing the purpose of such group include such advocacy.

"4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed by this article and regulations issued pursuant thereto, the commission shall issue and deliver a license to the applicant. The commission may issue a temporary permit to any applicant for a license under the provisions of this article pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of 30 days.

"5. A license granted pursuant to this article shall continue for a term of 3 years. A license may be renewed by the commission for successive 3-year periods upon fulfilling the same requirements as are set forth in this article for an original application.

"6. Any license issued pursuant to this article may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses:

"'(a) Conviction of a crime or other cause which would permit or require his disqualification from receiving a license upon original application;

"'(b) Fraud, deceit or misrepresentation in securing license; and

"'(c) Any other offense described in subdivisions (c) to (i), inclusive, of section 7 of article V.'

"ARTICLE XI

"Hearings, determinations, and review

"1. The commission shall not deny any application for a license or registration without giving the applicant or prospective licensee reasonable prior notice and opportunity to be heard.

"2. Any application for a license or for inclusion in the longshoremen's register, and any license issued or registration made, may be denied, revoked, canceled, suspended as the case may be, only in the manner prescribed in this article.

"3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke, cancel or suspend any license or registration after a hearing at which the licensee or registrant and any person making such complaint shall be given an opportunity to be heard, provided that any order of the commission revoking, canceling or suspending any license or registration shall not become effective until 15 days subsequent to the serving of notice thereof upon the licensee or registrant unless in the opinion of the commission the continuance of the license or registration for such period would be inimicable to the public peace or safety. Such hearing shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than 10 days and shall state the nature of the complaint.

"4. Pending the determination of such hearing pursuant to section 3 the commission may temporarily suspend a license or registration if in the opinion of the commission the continuance of the license or registration for such period is inimicable to the public peace or safety.

"5. The commission, or such member, officer, employee or agent of the commission as may be designated by the commission for such purpose, shall have the power to issue subpenas throughout both States to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of any such member, officer, employee, or agent of the commission designated by the commission for such purpose to issue subpenas at the request of and upon behalf of the licensee, registrant, or applicant. The commission or such person conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of such hearing.

"6. Upon the conclusion of the hearing, the commission shall take such action upon such findings and determination as it deems proper and shall execute and order carrying such findings into effect. The action in the case of an application for a license or registration shall be the granting or denial thereof. The action in the case of a licensee shall be revocation of the license or suspension thereof for a fixed period or reprimand or a dismissal of the charges. The action in the case of a registered longshoreman shall be dismissal of the charges, reprimand or removal from the longshoremen's register for a fixed period or permanently.

"7. The action of the commission in denying any application for a license or in refusing to include any person in the longshoremen's register under this compact or in suspending or revoking such license or removing any person from the longshoremen's register or in reprimanding a licensee or registrant shall be subject to judicial review by a proceeding instituted in either State at the instance of the applicant, licensee or registrant in the manner provided by the law of such State for review of the final decision or action of administrative agencies of such State: *Provided, however,* That notwithstanding any other provision of law the court shall have power to stay for not more than 30 days an order of the commission suspending or revoking a license or removing a longshoreman from the longshoremen's register.

ARTICLE XII

"Employment information centers

"1. The States of New Jersey and New York hereby find and declare that the method of employment of longshoremen and port watchmen in the port of New York district, commonly known as the 'shape-up,' has resulted in vicious and notorious abuses, of which such employees have been the principal victims. There is compelling evidence that the 'shape-up' has permitted and encouraged extortion from employees as the price of securing or retaining employment and has subjected such employees to threats of violence, unwilling joinder in unauthorized labor disturbances and criminal activities on the waterfront. The 'shape-up' has thus resulted in a loss of fundamental rights and liberties of labor, has impaired the economic stability of the port of New York district and weakened law enforcement therein. It is the sense of the Legislatures of the States of New Jersey and New York that these practices and conditions must be eliminated to prevent grave injury to the welfare of waterfront laborers and to the people at large and that the elimination of the 'shape-up' and the establishment of a system of employment information centers are necessary to a solution of these public problems.

"2. The commission shall establish and maintain one or more employment information centers in each State within the port of New York district at such locations as it may determine. No person shall, directly or indirectly, hire any person for work as a longshoreman or port watchman within the port of New York district, except through such particular employment information center or centers as may be prescribed by the commission. No person shall accept any employment as a longshoreman or port watchman within the port of New York district, except through such an employment information center. At each such employment information center the commission shall keep and exhibit the longeshoremen's register and any other records it shall determine to the end that longshoremen and port watchmen shall have the maximum information as to available employment as such at any time within the port of New York district and to the end that employers shall have an adequate opportunity to fill their requirements of registered longshoremen and port watchmen at all times.

"3. Every employer of longshoremen or port watchmen within the port of New York district shall furnish such information as may be required by the rules and regulations prescribed by the commission with regard to the name of each person hired as a longshoreman or port watchman, the time and place of hiring, the time, place, and hours of work, and the compensation therefor.

"4. All wage payments to longshoremen or port watchmen for work as such shall be made by check or cash evidenced by a written voucher receipted by the person to whom such cash is paid. The commission may arrange for the provision of facilities for cashing such checks.

"ARTICLE XIII

"Expenses of administration

"1. By concurrent legislation enacted by their respective legislatures, the two States may provide from time to time for meeting the commission's expenses. Until other provision shall be made, such expense shall be met as authorized in this article.

"2. The commission shall annually adopt a budget of its expenses for each year. Each budget shall be submitted to the Governors of the two States and shall take effect as submitted: *Provided*, That either Governor may within 30 days disapprove or reduce any item or items, and the budget shall be adjusted accordingly.

"3. After taking into account such funds as may be available to it from reserves, Federal grants, or otherwise, the balance of the commission's budgeted expenses shall be assessed upon employers of persons registered or licensed under this compact. Each such employer shall pay to the commission an assessment computed upon the gross payroll payments made by such employer to longshoremen, pier superintendents, hiring agents, and port watchmen for work or labor performed within the port of New York district, at a rate, not in excess of 2 percent, computed by the commissioner in the following manner: the commission shall annually estimate the gross payroll payments to be made by employers subject to assessment and shall compute a rate thereon which will yield revenue sufficient to finance the commission's budget for each year. Such budget may include a reasonable amount for a reserve, but such amount shall not exceed 10 percent of the total of all other items of expenditure contained therein. Such reserve shall be used for the stabilization of annual assessments, the payment of operating deficits, and for the repayment of advances made by the two States.

"4. The amount required to balance the commission's budget, in excess of the estimated yield of the maximum assessment, shall be certified by the commission, with the approval of the respective governors, to the legislatures of the two States, in proportion to the gross annual wage payments made to longshoremen for work in each State within the port of New York district. The legislatures shall annually appropriate to the commission the amount so certified.

"5. The commission may provide by regulation for the collection and auditing of assessments. Such assessments hereunder shall be payable pursuant to such provisions for administration, collection, and enforcement as the States may provide by concurrent legislation. In addition to any other sanction provided by law, the commission may revoke or suspend any license held by any person under this compact, or his privilege of employing persons registered or licensed hereunder, for nonpayment of any assessment when due.

"6. The assessment hereunder shall be in lieu of any other charge for the issuance of licenses to stevedores, pier superintendents, hiring agents, and port watchmen or for the registration of longshoremen or use of an employment information center. The commission shall establish reasonable procedures for the consideration of protests by affected employees concerning the estimates and computation of the rate of assessment.

"ARTICLE XIV

"General violations; prosecutions; penalties

"1. The failure of any witness, when duly subpenaed to attend, give testimony or produce other evidence, whether or not at a hearing, shall be punishable by the superior court in New Jersey and the supreme court in New York in the same manner as said failure is punishable by such court in a case therein pending.

"2. Any person who, having been sworn or affirmed as a witness in any such hearing, shall willfully give false testimony or who shall willfully make or file any false or fraudlent report or statement required by this compact to be made or filed under oath, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year or both.

"3. Any person who violates or attempts or conspires to violate any other provision of this compact shall be punishable as may be provided by the two States by action of the legislature of either State concurred in by the legislature of the other.

"4. Any person who interferes with or impedes the orderly registration of longshoremen pursuant to this compact or who conspires to or attempts to interfere with or impede such registration shall be punishable as may be provided by the two States by action of the legislature of either State concurred in by the legislature of the other.

"5. Any person who directly or indirectly inflicts or threatens to inflict any injury, damage, harm or loss or in any other manner practices intimidation upon or against any person in order to induce or compel such person or any other person to refrain from registering pursuant to this compact shall be punishable as may be provided by the two States by action of the legislature of either State concurred in by the legislature of the other.

"6. In any prosecution under this compact, it shall be sufficient to prove only a single act (or a single holding out or attempt) prohibited by law, without having to prove a general course of conduct, in order to prove a violation.

"ARTICLE XV

"Collective bargaining safeguarded

"1. This compact is not designed and shall not be construed to limit in any way any rights granted or derived from any other statute or any rule of law for employees to organize in labor organizations, to bargain collectively and to act in any other way individually, collectively, and through labor organizations or other representatives of their own choosing. Without limiting the generality of the foregoing, nothing contained in this compact shall be construed to limit in any way the right of employees to strike.

"2. This compact is not designed and shall not be construed to limit in any way any rights of longshoremen, hiring agents, pier superintendents or port watchmen or their employers to bargain collectively and agree upon any method for the selection of such employees by way of seniority, experience, regular gangs or otherwise, *Provided*, That such employees shall be licensed or registered hereunder and such longshoremen and port watchmen shall be hired only through the employment information centers established hereunder and that all other provisions of this compact be observed.

"ARTICLE XVI

"Amendments; construction; short title

"1. Amendments and supplements to this compact to implement the purpose thereof may be adopted by the action of the legislature of either State concurred in by the legislature of the other.

"2. If any part or provision of this compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the applicaton thereof to other persons or crcumstances and the two States hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

"3. In accordance with the ordinary rules for construction of interstate compacts this compact shall be liberally construed to eliminate the evils described therein and to effectuate the purposes thereof.

"4. This compact shall be known and may be cited as the 'Waterfront Commission Compact.'

"SEC. 2. The Secretary of Labor, from time to time upon application made as authorized by the compact hereby consented to, or by concurrent legislation of the two States thereunder, shall certify to the Secretary of the Treasury for payment to the commission established by that compact, such amounts as the Secretary of Labor determines to be necessary for the proper and efficient administration of employment information centers established pursuant to the compact.

The amounts so certified shall be paid by the Secretary of the Treasury to the said commission out of such funds as are appropriated to carry out the purposes of the act of June 6, 1933 (48 Stat. 113), as amended, and subject to the same requirements as are imposed for other payments under that act, to the extent that such requirements are not inconsistent herewith.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. MAGNUSON. Mr. President, will the Senator from New Jersey yield?

Mr. HENDRICKSON. I yield to the Senator from Washington.

Mr. MAGNUSON. I do not wish to appear to be putting a damper upon what the distinguished chairman of my committee has said about immediate action. As a member of the subcommittee, I join with all Senators in paying tribute to the Senator from New Hampshire [Mr. TOBEY]. I have had some experience in waterfront matters. However, I wonder if the Senator's suggestion would mean approval of the compact as written, word for word by the two States, or whether it would give to the two States authority to make a new compact or an additional compact.

Mr. HENDRICKSON. The compact is so drawn that it can be implemented by State legislatures subsequently.

Mr. MAGNUSON. With due respect, I am certain the Senate wants to approve what the States have done, but in the compact as written there may be some provisions pertaining to the administration of the waterfront that might appear, in the minds of persons who have the same objective, as not accomplishing the purpose. I feel certain there will be discussion of the advisability of the public license feature, which has nothing to do with the desire of all of us to clean up what has been happening along the waterfront.

If the compact comes before our committee, I should like to see included authority to make it sufficiently flexible to enable the two States themselves to make such changes or amendments as may be deemed necessary in the future, in order to accomplish the goal.

Mr. HENDRICKSON. I feel quite confident, as I believe the distinguished Senator from Washington will when he has had an opportunity to study the language of the compact and its technical phases, that the compact embodies provisions which will allow the legislatures of both States to meet almost any contingency.

Mr. MAGNUSON. I would not want to see the committee approve any compact that would not allow the two States to have flexibility of action, as conditions might arise in different situations.

Mr. HENDRICKSON. I believe the Senator will find a section in the legislation of both States that allows for implementation.

Mr. MAGNUSON. I shall be glad to meet tomorrow morning with the chairman of the subcommittee.

Mr. TOBEY. Mr. President, will the Senator from New Jersey yield?

Mr. HENDRICKSON. I am glad to yield.

Mr. TOBEY. In response to the remarks of my good friend, the distinguished Senator from New Jersey, I say certain labor unions, notably the International Longshoremen's Union, are riding for a fall. They have been riding too high, wide, and handsome. We are dealing with crooks and criminals. The end is coming into sight now.

Recently I returned from New Orleans, where the longshoremen's organization is a part of the same longshoremen's union of which Joe Ryan is the head. Christian charity requires me to withhold any comments I might make about him.

Members of a great colored union, and their leader, and a great white union of dock workers met with our subcommittee in a courtroom in New Orleans last week. I began the examination by asking, "What initiation fee is paid to belong to the colored labor union?" The answer was, "A $202 initiation fee."

Then I asked, "What initiation fee does a member of the white union pay?" The answer was, "$100."

The poor colored dock worker is "soaked" $200, and the white worker pays $100.

Then I asked, "How much is peeled off the salary envelope every week?" The answer was, "Five percent."

I asked, "Is 5 percent taken from a worker's pay on every job?" The reply was, "Yes."

Then I asked, "What do you, as a labor leader, pay?" He answered, "I pay nothing."

I said to the audience, "How many belong to the union?"

Three hundred hands were raised in answer.

I said to the workers, "You are suckers. Kick this fellow out. He is a dictator. Kick him out."

Mr. President, I believe they are going to do it. Some of those who are leading the poor working people of the United States are false leaders.

Man's inhumanity to man is being exemplified in certain labor circles. Such labor unions had better take cover. They are riding for a fall. The time cannot come too soon. Let us clean them out. Who is running this country anyway, I ask—honest, God-fearing people, or crooked labor union leaders? We can give names and addresses.

Cry out, America, "Unclean, unclean." Kick them out, from Joe Ryan down. They are no good; they are un-American. I indict them before the bar of the Senate today.

In New York and New Jersey it has become almost a prerequisite to getting a job on the docks to be a criminal or to have a criminal record. Think that over, God-fearing America. Crooks get the first call for jobs on the docks. Decent men must wait until the shape-up takes place.

The mayor of Jersey City communed in private in a New York City hotel with the leader of a crooked union in New York. The gangster covered his face when he went into the hotel where the meeting was held.

I say to Senators that conditions on the waterfront are a sordid mess. It is about time the Senate, and the country as a whole, took notice of what is happening. I congratulate New York and New Jersey for moving in on this picture.

Mr. TOBEY subsequently said: Mr. President, earlier in the day, in connection with the remarks of the Senator from New Jersey [Mr. HENDRICKSON], I spoke at some length on the New York-New Jersey dock scandal at the waterfront.

I also referred particularly to the hearing at New Orleans last week. I have in my hand excerpts from the New Orleans Times-Picayune, giving an account of the New Orleans dock labor conditions. I ask unanimous consent to have these excerpts printed in the RECORD at the conclusion of the remarks which I made earlier in the day.

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

DEMAND OUSTING OF DENNIS

Angry Negro longshoremen packed an uptown hall last night to demand the impeachment of union president Dave Dennis and an end to 5-percent salary assessments.

Petitions to this effect were signed by many members.

Dennis, president of Local 1419, International Longshoremen's Association, AFL, was put through 2 days of tough questioning by the Tobey committee at recent hearings here.

Last night's meeting grew out of the committee's assertion that $287,000 is unaccounted for in the union's 5-percent fund.

The session opened in prayer meeting fashion with a hymn and the reciting of the 23d Psalm, "The Lord is My Shepherd * * *."

It wound up like a slam-bang union hall rebellion and political rally. Three candidates for Dennis' job blasted his administration for bad leadership, misuse of union funds, a callous attitude to sick, old members, and with making threats against the men who called the meeting.

SEES COURT ACTIONS

A white attorney, John F. Connolly, former assistant city attorney, said a barrage of civil and criminal court actions will be thrown at Dennis to force him out of office.

A Negro leader, Leo Tankerson, said he himself already has tried to file an affidavit in the office of District Attorney Darden charging Dennis with stealing union funds.

Tankerson said the office has not yet accepted the affidavit pending completion of its own investigation.

Other longshoremen leading the revolt are Ernest James, Alvin Bocage, and Cornelius Smith. All are running for the office. James made the race in 1951. He told the Tobey men that Dennis slugged him, knocking out two front teeth.

(Dennis, asked about this under the spotlight, said James provoked the incident and the teeth were dental bridge, you could push a bridge out with your finger. * * *)

CHARGES BRIBE TRY

Bocage charged at the meeting last night that one of Dennis' leaders had tried to bribe him to call off the protest meeting.

Bocage hammered at the Dennis group with bitter sarcasm. He said the union men were kicking in 5 percent so Dennis could buy houses with down payments from union funds. (Dennis testified he made one such down payment, borrowing from the union.)

Bocage told of old, needy members, the old fathers, being kicked off the union benefit list.

Then he reached a shouting pitch and demanded that the union membership fire the entire Dennis administration. "They work for us, not us for them."

The meeting was held at Robinhood Hall, 2059 Jackson.

The floor space was packed by a standing crowd, and a loft also was filled. Estimates ran from 500 to more than 1,000. One

policeman, Patrolman Nicholas Nelson, was on duty. There was no trouble.

Rebel leaders said a Dennis delegation showed up, looked at the crowd and left. He said they were Horace Thigpen, Elmo Hunter, Willie Banks, R. L. Johnson, and Paul Gerry.

SPREAD PETITIONS

Two petitions were circulated. One demanded the end of 5 percent payment. The other drafted by Attorney Connolly, threw a triple punch at Dennis.

It demanded that:

Dennis be impeached and booted out of the union.

That the South Atlantic and Gulf District of ILA supervise a new election.

That criminal and civil action be taken against Dennis to enforce the legal and property rights of the members.

Bocage said the rebel group would have to get 2,200 of the 3,400 local members to sign to make the petitions effective under the union's two-thirds rule. Many signed last night.

The petitions will be circulated today at shapeup hiring gangs. Another meeting will be called in the next 5 days, Bocage said.

Last night's meeting had been announced in a handbill circulated at the riverfront by the anti-Dennis leaders.

DENNIS IN HOUSTON

Dennis himself was in Houston attending a gulf district meeting of ILA. He is a salaried district official as well as local president.

Some of the speakers referred to him in respectful tones as "Pres."; "Pres. said so and so"; but the arguments always ended with whiplash charges that "Pres." had let them down.

Clarence "Chink" Henry, one of Dennis' braintrusters, took over in the absence of the leader. He and Robert B. Lewis, recording secretary, attacked the Bocage-James group in a handbill stating:

FEW DISGRUNTLED

"A few disgruntled longshoremen who ran for office and were defeated are spreading false propaganda about cutting the 5 percent out and getting you some money back. * * *

"Do you want to work under the same conditions that existed before Dave Dennis was elected president?

"If anyone has any suggestions how we can maintain our organization on its present level without the 5 percent, they should bring it to the union headquarters in a regular or special meeting, where all members of local 1419 can be present.

"Men, do not be fooled. Do not prejudge anyone. When the investigation is completed you will be proud of the officers of local 1419."

About 1941 Harvey Netter blasted the then local president, Paul Hartman, on similar charges like those voiced against Dennis. Netter was elected.

In 1948 came Dennis' turn. He pointed out President Netter was driving a Cadillac. Dennis was elected.

In 1951 James and five others made a trial run against Dennis (a similar Cadillac issue was raised), but were overwhelmingly defeated. Now, with Tobey committee assertions for ammunition the campaign has started again.

Mr. HENDRICKSON. Mr. President, I think that if the Senate will ratify the compact at an early date, the people of New York and New Jersey, as well as the people throughout the United States, will be given new confidence because it seems to me that at this grave hour in the Nation's history it is the duty of the United States Senate to furnish leadership in combating crime, juvenile delinquency, and other conditions which today constitute a serious threat to our social and economic life.

Mr. MAGNUSON. Mr. President, will the Senator yield further?

Mr. HENDRICKSON. I yield.

Mr. MAGNUSON. Probably the basis for all the occurrences the Senator from New Hampshire [Mr. TOBEY] and other Senators, including myself, discovered, particularly in the New Jersey and New York area, arose from the vicious shapeup system.

Mr. HENDRICKSON. I referred to the shape-up system in my statement.

Mr. MAGNUSON. I think the public and the Senate ought to know that approval of the compact would forever prohibit a revival of the vicious shape-up system should the public ever again become apathetic.

Mr. TOBEY. The Senator is correct.

Mr. MAGNUSON. The shape-up has laid the foundation for all these happenings.

Mr. HENDRICKSON. I thank the Senator from Washington for emphasizing this point because it is one of the important features of the compact.

Mr. SMITH of New Jersey subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks some observations which I had prepared to make earlier in the day, when my distinguished colleague [Mr. HENDRICKSON] introduced a compact between New Jersey and New York, which was referred to the Committee on Interstate and Foreign Commerce for prompt action. I had prepared some remarks on the subject. To save time, I ask unanimous consent that those remarks appear in the RECORD at the end of the presentation by my colleague [Mr. HENDRICKSON] at the time of the introduction of his bill earlier in the day.

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

STATEMENT OF SENATOR SMITH OF NEW JERSEY

I am happy to be a cosponsor of this bill.

I urge prompt action on this joint compact.

Recent investigations into certain illegal activities practiced in the harbor area of the city of New York have uncovered alarming instances of racketeering and gangsterism. Gangs of criminals have engaged in bribery, pilferage, and coercion of workers in order to enrich themselves at the expense of the employer, the worker, and the public. Similar occurrences of such extensive mob rule of waterfronts are rare.

To meet this threat to law and order, the States of New Jersey and New York propose a joint compact by which an unremitting drive against racketeering may be made. Uniting in quick and effective action, these States now ask that their compact be authorized by the Congress of the United States.

The compact aims at driving gangsterism from the harbor of New York. It proposes to free longshoremen from mob rule and to eliminate bribery and pilferage from the shipping industry. The result will be not only that the worker and employer will be freed from gang coercion, but also that the cost of consumer goods will be reduced by eliminating the illegal levy of criminals.

These aims are to be accomplished by certain measures included in the compact. Pier superintendents, hiring agents, stevedores, and port watchmen must obtain a license. No person who is a convicted criminal may be so licensed. Regional employment exchanges are to be established. These provisions aim at destroying the unfair and dangerous shape-up system. Furthermore, longshoremen must be licensed. Public loading which provides the opportunity for pilferage is to be abolished. Finally, a waterfront commission is established to administer the compact and to make investigations into harbor practices.

This compact is the most effective means for combating gangster rule of our greatest harbor. I urge that the Senate give its authorization to the compact as quickly as possible, in order that New Jersey and New York may join together to fight racketeering in the New York harbor area. The legislatures of the two States have already passed the compact, and the effective implementation of the plan only awaits congressional approval.

The PRESIDING OFFICER. If there be no further routine matters to be presented, the morning business is concluded.

CITING TIMOTHY J. O'MARA FOR CONTEMPT OF THE SENATE

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

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. KNOWLAND. Is the Senate now in legislative session?

The PRESIDING OFFICER. It is.

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 139, which is No. 518 on the calendar. I may say for the information of Senators that the purpose is merely to make the resolution the unfinished business, and that I shall then move that the Senate go into executive session.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 139) citing Timothy J. O'Mara for contempt of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Carolina.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 252) to permit all civil actions against the United States for recovery of taxes erroneously or illegally assessed or collected to be brought in the district courts with the right of trial by jury, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KEATING, Mr. CRUMPACKER, and Mr. WILLIS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4663) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for

the fiscal year ending June 30, 1954, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILLIPS, Mr. COTTON, Mr. JONAS of North Carolina, Mr. KRUEGER, Mr. TABER, Mr. THOMAS, Mr. ANDREWS, Mr. YATES, and Mr. CANNON were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5134) to amend the Submerged Lands Act; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAHAM, Miss THOMPSON of Michigan, Mr. HILLINGS, Mr. MCCULLOCH, Mr. CELLER, Mr. WALTER, and Mr. WILSON were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5690) making appropriations for additional independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1954, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILLIPS, Mr. COTTON, Mr. JONAS of North Carolina, Mr. KRUEGER, Mr. TABER, Mr. THOMAS, Mr. ANDREWS, Mr. YATES, and Mr. CANNON were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5710) to amend further the Mutual Security Act of 1951, as amended, and for other purposes, and it was signed by the President pro tempore.

EXECUTIVE SESSION

Mr. KNOWLAND. I move that the Senate proceed to the consideration of executive business.

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

RECESS

Mr. HENDRICKSON. Mr. President, I move that the Senate stand in recess until 3 o'clock p. m.

The motion was agreed to; and (at 1 o'clock and 6 minutes p. m.) the Senate, in executive session, took a recess until 3 o'clock p. m.

On the expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. BUSH in the chair).

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KNOWLAND. 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.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on July 14, 1953, the President had approved and signed the act (S. 1082) to approve a conveyance made by the city of Charleston, S. C., to the South Carolina State Ports Authority, of real property hertofore granted to said city of Charleston by the United States of America.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. BUSH in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

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

LEGISLATIVE PROGRAM

Mr. KNOWLAND. Mr. President, for the information of the Senate, when we complete our work on the treaties which the Senate is about to consider, the status of forces agreements, it is our plan to have the Senate proceed to the consideration of a number of bills which I believe are relatively noncontroversial. I have already given the list to the minority leader, but for the RECORD and for the information of other Members of the Senate they are as follows: Calendar No. 374, House bill 3087; Calendar No. 485, Senate bill 1152; Calendar No. 491, Senate bill 2163; Calendar No. 511, Senate bill 281; and Calendar No. 515, Senate Concurrent Resolution 40. Calendar No. 518, Senate Resolution 139, which was originally on this list, is now the unfinished business.

These measures will not necessarily be taken up in the order in which I have listed them, but they are a group of measures which we may take up when we complete the executive session today.

I wish also to give notice to the Senate that, as I understand, the excess-profits tax bill was reported from the Senate Finance Committee today. As soon as that bill is ready, either tomorrow or the following day, we shall give priority to its consideration.

Somewhat depending upon the course of the legislative sessions for the remainder of the week, it may be that we shall have a calendar call for the consideration of unobjected to bills on Saturday. There will be a session on Saturday, and it may be necessary to have evening sessions for the remainder of the week.

By next week it is hoped that the four remaining appropriation bills will be on the Senate Calendar. I refer to the Armed Services appropriation bill, the mutual aid appropriation bill, the District of Columbia appropriation bill, and the legislative appropriation bill.

In the meantime, conference committees on the appropriation bills which have already passed the House and Senate are starting to meet this week. This afternoon the conference committee is meeting on the Labor and Health, Education, and Welfare appropriation bill. I am hopeful that perhaps one a day of the conference reports on appropriation bills will be ready. Since these are privileged in nature, we propose to take them up as soon as they are ready for Senate consideration.

I make this announcement because I wish to give as much advance notice as possible to Members of the Senate as to the proposed legislative program.

STATUS OF FORCES AGREEMENT OF PARTIES TO THE NORTH ATLANTIC TREATY ORGANIZATION

The PRESIDING OFFICER. The Senate is proceeding in executive session.

The Senate, as in Committee of the Whole, proceeded to consider the agreement, Executive T (82d Cong., 2d sess.), an agreement between the parties to the North Atlantic Treaty regarding the status of their forces, signed at London on June 19, 1951, which was read the second time, as follows:

AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned;

Desiring, however, to define the status of such forces while in the territory of another Party;

Have agreed as follows:

ARTICLE I

1. In this Agreement the expression—

(a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;

(b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located;

(c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

(d) "sending State" means the Contracting Party to which the force belongs;

(e) "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;

(f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components;

(g) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

2. This Agreement shall apply to the authorities of political sub-divisions of the Contracting Parties, within their territories to which the Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political sub-divisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

ARTICLE II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

ARTICLE III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

(a) personal identity card issued by the sending State showing names, date of birth, rank and number (if any), service, and photograph;

(b) individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organizations and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or of a civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than twenty-one days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

ARTICLE IV

The receiving State shall either

(a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or

(b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

ARTICLE V

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

ARTICLE VI

Members of a force may possess and carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

ARTICLE VII

1. Subject to the provisions of this Article,

(a) the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;

(b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2.—(a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

(b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to

(i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;

(ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

5.—(a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6.—(a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7.—(a) A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

(b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled—

(a) to a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;

(e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;

(f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

10.—(a) Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

(b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

ARTICLE VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage—

(i) was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connexion with the operation of the North Atlantic Treaty; or

(ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services, provided either than the vehicle, vessel or aircraft causing the damage was being used in connexion with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salved was owned by a Contracting Party and being used by its armed services in connexion with the operation of the North Atlantic Treaty.

2.—(a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5 (e) (i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than:—

Belgium: B.fr. 70,000. Netherlands: Fl. 5,320.
Canada: $1,460. Norway: Kr. 10,000.
Denmark: Kr. 9,670. Portugal: Es. 40,250.
France: F.fr. 490,000. United Kingdom: £500.
Iceland: Kr. 22,800.
Italy: Li. 850,000. United States: $1,400.
Luxembourg: L.fr. 70,000.

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:—

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

(b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.

(d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (e) (i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and paragraph 2 of this Article shall be distributed between the Contracting Parties, as follows:—

(i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent. chargeable to the receiving State and 75 per cent. chargeable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

(iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned: however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.

(iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

(f) In cases where the application of the provisions of sub-paragraphs (b) and (e) of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.

(g) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

(h) Except in so far as sub-paragraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner:—

(a) The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

(c) If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorised use of any vehicle of the armed services of a sending State shall be dealt with in accord-

ance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty or as to whether the use of any vehicle of the armed services of a sending State was unauthorised, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2 (b) of this Article, whose decision on this point shall be final and conclusive.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5 (g) of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

ARTICLE IX

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. Subject to agreements already in force or which may hereafter be made between the authorised representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, of this Article shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

ARTICLE X

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.

4. For the purposes of this Article the term "member of a force" shall not include any person who is a national of the receiving State.

ARTICLE XI

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2.—(a) The temporary importation and the re-exportation of service vehicles of a force or civilian component under their own power shall be authorized free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement.

(b) The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8.

(c) Service vehicles of a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order issued in accordance with paragraph 2 (b) of Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorised by the sending State for that purpose. The designation of the person authorised to sign the certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.

5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty for the term of such service.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 2 (b), 4, 5 or 6 above—

(a) may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2 (b), 4, 5 or 6 as the case may be;

(b) shall not normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1–10 of this Article—

"duty" means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered;

"importation" includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.

13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State, but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression "receiving State" in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

ARTICLE XII

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

ARTICLE XIII

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

ARTICLE XIV

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

ARTICLE XV

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

ARTICLE XVI

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

ARTICLE XVII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

ARTICLE XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

ARTICLE XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

ARTICLE XX

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.

2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making the declaration considers it to be necessary, to the conclusion of a special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

In witness whereof the undersigned Plenipotentiaries have signed the present Agreement.

Done in London this nineteenth day of June, 1951, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

For the Kingdom of Belgium:
OBERT DE THIEUSIES.

For Canada:
L. D. WILGRESS.

For the Kingdom of Denmark:
STEENSEN-LETH.

For France:
HERVÉ ALPHAND.

For Iceland:
GUNNLAUGER PÉTURSSON.

For Italy:
A. ROSSI-LONGHI.

For the Grand Duchy of Luxembourg:
A. CLASEN.

For the Kingdom of the Netherlands:
A. W. L. TJARDA VAN STARKENBORGH-STACHOUWER.

For the Kingdom of Norway:
DAG BRYN.

For Portugal:
R. ENNES ULRICH.

The Agreement is only applicable to the territory of Continental Portugal, with the exclusion of the Adjacent Islands and the Overseas Provinces.

For the United Kingdom of Great Britain and Northern Ireland:
HERBERT MORRISON.

For the United States of America:
CHARLES M. SPOFFORD.

I certify that the foregoing is a true copy of the agreement between the parties to the North Atlantic Treaty regarding the status of their forces which was signed in the English and French languages at London on June 19, 1951, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, Dean Acheson, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the authentication officer of the said department, at the City of Washington, in the District of Columbia, this seventeenth day of July 1951.

DEAN ACHESON,
Secretary of State.

[SEAL] By M. P. CHAUVIN,
Authentication Officer,
Department of State.

APPENDIX

Country — Ministry or Service

TRIPTYQUE

Valid from — To

for temporary importation to

of the following service vehicle:—

Type

Registration Number — Engine Number

Spare tyres

Fixed Communication Equipment

Name and signature of the holder of the triptyque

By order of

Date of issue

TEMPORARY EXITS AND ENTRIES

Name of Port or Customs Station	Date	Signature and Stamp of Customs Officer
Exit		
Entry		
Exit		
Entry		
Exit		
Entry		
Exit		
Entry		

This document shall be in the language of the sending State and in the English and French languages.

Mr. WILEY. Mr. President, I rise at this time to present to the Senate three treaties relating to the North Atlantic Treaty Organization. Technically speaking, they are not treaties—there are two agreements and one protocol—but inasmuch as they have been submitted for the advice and consent of the Senate, the term treaty in its broader sense would seem entirely appropriate.

For the past 3½ years, the foreign policy of the United States has been inseparably linked to the North Atlantic Treaty Organization. In 1948, by a vote of 64 to 4, the Senate approved the Vandenberg resolution, which advised the President to associate the United States with regional and other collective defense arrangements under the Charter of the United Nations. A year later, we gave our resounding approval to the Atlantic Pact. Since that time we have taken many steps to implement the treaty and to strengthen our ties with our North Atlantic neighbors.

SUPPORT FOR NATO

In view of the discouraging obstacles which we faced in 1949, remarkable progress has been made in injecting strength and vitality into the North Atlantic system. Where fear and despair existed before, there is now faith and hope for a better tomorrow. Where there was disunity, there is now coordination and teamwork among the 14 member nations. Where there was a dangerous power vacuum, there now stands sufficient military strength to serve as a serious deterrent to any possible totalitarian aggression against the free nations.

In view of conditions on the European Continent, in East Berlin, in Poland, in Czechoslovakia and in Hungary, and in view of the apparently imminent liquidation of Beria and the upset conditions beyond and behind the Iron Curtain, I think there is every reason to believe that if we keep our powder dry and coordinate our forces and do that which is necessary under the circumstances, we shall extricate ourselves from the world mess in which we find ourselves.

In my strong support for NATO, I find myself in complete agreement with President Eisenhower. In his message to the North Atlantic Council on April 23, the President stated:

As you know, I have long held the deep conviction that the success of NATO's program was essential to world peace and to the security and well-being of all Atlantic nations. My subsequent experience has reinforced and strengthened this belief. NATO has become a mighty force for peace and an instrument of enduring cooperation among the Atlantic peoples.

It is, of course, a tragic thing that the free nations should be compelled to divert so much of our productive capacity to the buildup of our defensive strength. But it might prove far more tragic, Mr. President, if we were to relax our efforts before we are convinced that the basic conditions for peace have been met.

SOVIET PEACE OVERTURES

Therein lies the real danger of the peace overtures made by the Soviet Government. If they cause us to drop our guard now, who knows what the results might be?

I would be the last, Mr. President, to reject any honest, sincere proposal toward peace that the Soviet Union has to offer. Moreover, I would not want to say anything provocative at this juncture that might deter the Soviet Union or give them pause if they really want to coooperate with us. There is the rub. Do they want to cooperate? But before we in the free world grasp the olive branch that is proffered us, let us make sure it is not full of thorns.

Meanwhile, in our relations with the Soviet bloc, we have no alternative but to act with firmness and determination. It is imperative that we move on, with unabated vigor, with plans to build a common defense adequate to deter any possible aggression.

PURPOSE OF AGREEMENTS

The three treaties before the Senate are significant steps in that direction. In broad terms, the chief purpose of the treaties is to define the legal status of the military forces of one NATO power stationed in the territory of another, as well as the status of the military headquarters and civilian organs of the North Atlantic Treaty Organization.

The first is the agreement on the status of forces. This deals with such matters as passport and visa regulations, immigration inspections, the carrying of arms, the settlement of claims, and import and customs regulations. Senators will readily recognize that many questions in each of these areas must be resolved in connection with the stationing of American forces abroad.

The second agreement is the protocol to the status of forces agreement. This protocol defines the status of the military headquarters of NATO, and sets forth the various rights, responsibilities, and privileges necessary for the effective operation of such headquarters in NATO countries.

The third agreement gives legal personality to the North Atlantic Treaty Organization and confers upon it those privileges and immunities which are normally bestowed upon international organizations. It also defines the privileges and immunities of the national representatives to NATO and of the international staff.

Mr. President, the Foreign Relations Committee held hearings on these agreements and, so far as I am aware, there is no substantial opposition to any of them, although a question has been raised about one article of the status of forces agreement. The Department of State, the Department of Defense, the Joint Chiefs of Staff, the Department of Justice, and the Treasury Department, in one of those inspiring displays of unity, have all agreed that it would be helpful to NATO and in the national interest of the United States to push ahead with ratification of all these treaties at the earliest practicable time.

NEED FOR AGREEMENTS

The need for these agreements arises out of the integrated defense system that has been developed under the North Atlantic Treaty. Obviously, when large numbers of armed forces are stationed in other countries all sorts of problems inevitably arise. Suppose, for example, a soldier off duty commits a crime? Or suppose a NATO plane crashes into a farmer's home? Or the troops stationed abroad wish to import goods and commodities from other countries? Or a division of ground forces must be shifted rapidly to another country?

During World War II, the United States entered most European countries as a conquering or liberating power. As such, we made our own laws to deal with such problems. Often very stern measures were applied.

But wartime arrangements cannot be applied in time of peace. So after World War II, we negotiated interim arrangements with various countries covering the status of our forces there. These executive agreements varied considerably from country to country, however, and difficulties arose in their application.

When NATO came into existence, it became apparent that we needed a more substantial basis for our NATO relationships. We needed something permanent. And because of the close teamwork required in an integrated defense system, we needed uniform regulations for both the headquarters and the Armed Forces. That is why these agreements were concluded.

Mr. President, it is not my intention to impose upon the Senate a long and detailed description of the agreements. That is done in the committee report. I should like to comment briefly, however, on certain aspects of the status of forces agreement. Then my colleague the distinguished senior Senator from New Jersey [Mr. SMITH] will discuss the other two.

In this connection, we should never lose sight of the fact that the United States has a dual interest in the agreement; we have an interest as a sending state, with large numbers of our armed forces stationed in other NATO countries, and as a receiving state, with some NATO forces stationed here.

As a result, we have had to reconcile our desire to secure the maximum rights for our troops abroad with our rather natural tendency to limit the rights and privileges of other NATO troops coming to our shores. Clearly we cannot have our cake and eat it too. We have had to make some concessions. But I think the result is a reasonable compromise which protects our interests both as a receiving and a sending state.

Those who may be dissatisfied with certain aspects of the agreement should remember these two simple facts: (1) we cannot expect other countries to grant treaty rights and privileges to our Armed Forces which we will not in turn grant to theirs; and (2) since we have a relatively large number of troops

abroad in comparison to the number of foreign troops stationed here, we have a very special interest in establishing our relationship on a firm and equitable basis.

IMMIGRATION PROCEDURES

I can assure the Senate that the agreement does not run counter to the internal security interests of the United States. To be sure, arrangements had to be made which would permit the ready movement of armed forces from one country to another in peacetime. To that end members of NATO military forces are to be exempt from passport and visa regulations, from immigration inspection, and from regulations on the registration and control of aliens. They are required, however, to have personal identity cards and individual or collective military movement orders. Moreover, any individual may be removed from the receiving state at any time if the situation requires.

I am sure the Senate will understand the common sense that is back of these arrangements. If it becomes necessary to move a body of troops from one NATO country to another, we certainly do not want to be hampered by all the red tape that is involved in the normal immigration procedures.

It seems to me that the agreement is entirely consistent with our national security interests. In order to remove any possible doubt on this score, the committee has approved language which will be incorporated in the resolution of ratification and which will make crystal clear that nothing in the agreement diminishes or changes the right of the United States to exclude or remove persons whose presence here is deemed prejudicial to its safety or security. The executive branch has also informed us that adequate screening procedures are being established to prevent the entry of undesirable people.

I desire to make one additional comment in this connection. I am completely sympathetic with those who wish to be ever on guard against the infiltration of spies and saboteurs into this great country of ours. But I would remind my colleagues in the Senate that NATO is quite unlike other international organizations in this respect. It does not include any Communist countries. All its members are firmly dedicated, as we are, to the joint task of preserving freedom in the North Atlantic area. I am confident, therefore, that we can expect full cooperation from them in preventing the entry of individuals who might be security risks.

CRIMINAL JURISDICTION

Mr. President, the committee also gave careful consideration to the provisions of the agreement dealing with criminal jurisdiction. On the one hand, we want to make sure that our boys who commit offenses in foreign lands receive a fair trial with due regard for proper legal safeguards and the rights of the individual. On the other hand, we in the United States do not wish to give up our rights with respect to criminal jurisdiction over the members of foreign armed forces stationed on our soil.

The compromise which the agreement provides is, I think, quite satisfactory. In general, foreign courts will have jurisdiction over Americans who commit offenses while off duty against the laws of the country where they are stationed. Our own military authorities will retain jurisdiction over offenses committed in performance of duty, as well as offenses against the property or security of the United States, and the person or property of another member of our Armed Forces or civilian component.

Moreover, an American on trial in a foreign country will have all those rights to which a citizen of the country is entitled. Specifically, he must be accorded the right of counsel, the right to a fair and speedy trial, the right to procure witnesses in his behalf, the right to be confronted with the charges and witnesses against him, the right to have an interpreter, and the right to communicate with his Government.

I confess, Mr. President, that I cannot think of any other adequate solution to this thorny problem. Clearly, exclusive American jurisdiction—which amounts to extraterritoriality—is not the answer. That would set our forces apart as a privileged class and would serve as a constant irritant to the local population. More than that, it would be an infringement of the sovereignty of the other countries.

We must keep in mind that the systems of law and justice which prevail in the other NATO countries are very well advanced. Indeed, most of them are older than our own. Thus far, our experience with these countries with respect to this problem has been good. Under the new agreements I am confident it will be even better.

The committee naturally was anxious to insure, so far as possible, that American servicemen who may be tried in foreign courts are accorded all the essential rights which they would receive under the Constitution of the United States. As I have indicated, a number of these rights are spelled out in the treaty itself. Others are provided for in the laws of the other NATO countries.

As an additional step, the committee is recommending that the Senate attach to the resolution of ratification a statement that—

First. The criminal jurisdiction provisions do not constitute a precedent for future agreements.

Second. Whenever an American serviceman is to be tried in a foreign court under this agreement, the commanding officer of the American Armed Forces in that country will examine its laws with particular reference to the safeguards contained in the United States Constitution.

Third. If, in the commanding officer's opinion, there is danger that the person tried would not be protected in the constitutional rights he would enjoy in the United States, the commanding officer shall request the authorities of the receiving state to waive jurisdiction. I point out that paragraph 3 (c) of article VII requests the receiving state to give sympathetic consideration to such requests. If the authorities refuse the request, however, then the commanding officer is directed to request diplomatic intervention by the Department of State.

Fourth. A representative of the United States Government will attend any trial of an American serviceman under the treaty and report any failure to accord the defendant the rights to which he is entitled. In these cases, the commanding officer is again directed to request diplomatic intervention by the Department of State.

Mr. President, it seems to me that this is as far as the Senate can effectively go. It has been suggested that we should insist upon exclusive criminal jurisdiction over our troops abroad. Aside from the merits of exclusive jurisdiction—and it is by no means an unmixed blessing—the suggestion is wholly impractical, because the other countries simply will not agree to it.

That fact is that under this treaty we shall have a larger measure of jurisdiction than we now have or than we shall have if we fail to ratify the treaty. The treaty does not turn over American servicemen to foreign courts. American servicemen are already being tried by foreign courts. The treaty will give them more rights than they now have.

SETTLEMENT OF CLAIMS

Let us now turn to a third problem—the matter of settling claims. Obviously, if American troops on maneuvers tramp over a farmer's crops, or if an American jeep collides with a French automobile, arrangements must be made to take care of the resulting damages.

Here again, the suggested procedure is a compromise emerging from long experience with such matters by the Armed Forces. In the event a tort is committed in the performance of duty, the person injured will take action against his own government, exactly as though the injury had been inflicted by the armed forces of his own country. The claim will be settled by the injured person's government, which will pay 25 percent of the damages. The remaining 75 percent will be paid by the sending state whose national is at fault. In the event of an injury arising out of an act not performed in line of duty, the person damaged will be able to bring suit directly against the person responsible. Additional remedies will be available in case of inability to pay.

Mr. President, I do not wish to become involved in the intricacies of claims settlements at this point, but it does seem to me that the procedures outlined in the agreement are fair and equitable, taking into account the rights of the citizens, as well as the interests of the States concerned. Moreover, the United States as a sending State will probably save considerable money by having local officials handle the claims, since they normally take a more moderate view of monetary damages than do American claims officials.

OTHER PROBLEMS

The agreement contains a number of other provisions relating to such things as customs duties and other taxes, driving licenses, military uniforms, the carrying of arms, and so on. But these matters are explained in the committee report, and I shall not deal with them here.

THE OTHER AGREEMENTS

But before closing, Mr. President, I should like to say a few words about the two other treaties before us. It is, of course, essential that the North Atlantic Treaty Organization, as well as the military headquarters, be given juridical personality, with the right to make contracts, acquire and dispose of property, and to sue and be sued. It is also essential, it seems to me, that NATO's archives and other official documents should be inviolable, and that it have the privileges and immunities normally granted to international agencies. In brief, that is what the treaties before us would do.

Mr. President, it will be recalled that from the time of the approval of the first military-assistance program, the Congress has insisted that NATO should be built upon an integrated defense system. This is truly an epoch-making venture; never before in peacetime have nations taken such a step. But we who insist upon an integrated defense for the North Atlantic area should approve these treaties without delay, for without them a truly effective integration of NATO's armed forces would not be possible.

SUMMARY OF ARGUMENTS FOR THE AGREEMENTS

By way of summary, Mr. President, I am convinced that the agreements before the Senate are in the national interest of the United States, for the following reasons:

First. They will replace the present hodgepodge of bilateral arrangements, which are temporary in nature, with a permanent, uniform system in which rights and duties are clearly defined. This should do much to eliminate some of the existing causes of friction, and help build good will among the 14 NATO countries.

Second. They will insure the mobility of NATO forces in Europe. It is perfectly obvious that no satisfactory system of collective defense can be developed unless adequate arrangements are made for armed forces to cross national frontiers without administrative complications and crippling delays.

Third. By introducing an orderly system of rights, responsibilities, and procedures with respect to the stationing of foreign forces in NATO countries, they will reduce considerably the paper work and the administrative detail which now fall on American commanders in Europe.

Fourth. As a receiving state, the United States will give up no rights which we do not acquire as a sending state. Moreover, in view of the relatively large number of American forces abroad, the advantages accruing to us as a sending state far outweigh the disadvantages to which we might be subject as a receiving state.

Finally, Mr. President, not only will the treaties improve the position of our troops in Europe, but they will also strengthen the fabric of NATO cooperation. They will demonstrate once more the determination of the NATO nations to move forward together in the desperately important task of building our joint defenses.

I sincerely hope, Mr. President, that the Senate will approve these treaties without delay, so that President Eisenhower can move on to implement them in the very near future.

Mr. President, at this time I send to the desk the amendment to which I referred, and I ask that it be stated.

The PRESIDING OFFICER (Mr. BUSH in the chair). The amendment is not in order at this time. It will not be in order until the resolution of ratification is before the Senate.

Mr. SALTONSTALL. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. WILEY. I yield.

Mr. SALTONSTALL. In connection with the amendment submitted by the Senator from Wisconsin, which is in the form of a memorandum, I call his attention to paragraph 4, which states that a representative of the United States will attend the trial. However, the amendment does not state who shall appoint the representative.

For the sake of clarity, will the Senator from Wisconsin tell us who will appoint the representative? If the responsibility for making the appointment is not definitely stated in the amendment, would not it be wise to make that matter clear by means of a modification of the amendment?

Mr. WILEY. It would depend entirely upon the situation, of course. I suppose a military man would be involved. Probably the military commander of the district would make the appointment, or it might be that the Government would ask our Ambassador to make the appointment. In any event, we would have a representative there.

Mr. SALTONSTALL. Would not it be wise to specify the responsibility for making the appointment—for instance, simply by stating that the United States representative shall be appointed by the commanding officer?

Mr. WILEY. As I suggested, it might be decided to have someone from the diplomatic group, instead of someone from the military group, make the appointment.

Mr. SALTONSTALL. However, if the responsibility for making the appointment is not specified, it might be that no one would take the responsibility, and thus the appointment would not be made. That is the point I have in mind.

As the matter now stands, under sections 2 and 3, the commanding officer has certain definite responsibilities.

Mr. WILEY. I shall give the matter consideration, and I shall consult with the other members of the committee. I have no objection to the suggestion the Senator from Massachusetts has made. My only thought is that this is an arrangement between 14 nations, and we have a great many troops abroad; and in one area it might be beneficial to have our representative appointed by our civil authorities, whereas in another area it might be desirable to have our representative appointed by our military authorities.

Mr. SALTONSTALL. I agree entirely. I am simply trying to have the provision made sufficiently specific, so that the responsibility for making the appointment will be clear, rather than to have the situation be such that, because of a lack of a definite designation, there might be hesitation as between the military authorities and the diplomatic authorities, with the result that neither would take action to appoint our representative.

Mr. WILEY. I shall give consideration to the point the Senator from Massachusetts has made.

Mr. SALTONSTALL. I suggest that it be cleared up.

Mr. WILEY. I thank the Senator from Massachusetts.

Mr. McCARRAN. Mr. President, Executive T, as the first on the Executive Calendar treaty is known, raises some compelling questions upon which I feel it is my duty to comment.

With purposes and motives, I cannot deal; for I do not know all the purposes or all the motives of those who have negotiated this treaty and who have brought it here, seeking ratification by the Senate of the United States. So, at the outset, I wish to make it clear that nothing I may say is intended to impugn the motives of anyone; and when I shall speak, a little later, of certain results which the ratification of this treaty would inevitably bring about, I do not mean to assert that the achievement of those results was a purpose of any particular person or group of persons. It is enough that the results which would flow from this treaty, if it should be ratified, shall be clearly presented to this body before it votes on ratification.

So that there may be no doubt about my position on this treaty, Mr. President, let me say now, as a frame of reference for all that I shall say hereafter, that I oppose this treaty in its present form, and that I intend to support the reservation sponsored by the Senator from Ohio [Mr. BRICKER].

Certain features of this treaty, Mr. President, were familiar to me long before the treaty itself had been negotiated. Representatives of the Department of State and of the Department of Defense came to me more than 2 years ago, to discuss with me certain proposals which were then under discussion for inclusion in this treaty. I do not know why they came to me, except that they sought my approval of the particular proposals which they presented to me at that time. I do not know why they wanted my approval of those proposals, unless it was because they had some feeling that if I approved, and would publicly state my approval, it might facilitate either the negotiation of the treaty—a possibility which I find it hard to believe—or might evenutally facilitate ratification of the treaty after it had been negotiated. Certainly, those who came to me knew as well as I did that I was not a member of the Committee on Foreign Relations. However, the particular points which they presented to me did not deal with matters primarily of foreign relations, but dealt with matters of law and jurisprudence; with questions of jurisdiction for the punishment of offenses by American nationals in foreign nations. I was at that time chairman of the Committee on the Judiciary, and it may be that those who came to me were honestly and in good faith seeking my advice with respect to the provisions in question. At

any event, they came to me, and laid those provisions before me, and sought my approval of them. I made a careful study of the proposals which they brought to me, and concluded that I could not approve them. I told those who had come to me that I could not approve the proposals, and I told them why: Briefly, because the proposals, in my opinion, were violative of the rights of American nationals. The matter was dropped at that point. I was assured that my views would be taken into consideration and that there would be an effort to redraft the particular proposals in question. Whether any such effort was made, I do not know. The matter next came to my attention after the treaty had been negotiated and had been submitted to the Senate for ratification. I then found, upon examination of the treaty, that some of the proposals, in the nature of provisions, which had been submitted to me 2 years ago, had in fact found their way into the treaty, in substantially the same form in which I had felt constrained to disapprove them when they were first submitted to me.

I desire to assure my colleagues that there is no thought in my mind that these matters should have been submitted to me, or that, having been submitted to me, there should have been any changes made merely because I disapproved. I am speaking on this subject today not because there are certain provisions in this treaty which were submitted to me long ago, and which I disapproved; but because there are provisions in this treaty which I consider clearly violative of the rights of American nationals. I should oppose these provisions just as strongly today if they had never been submitted to me at any time previously. Those whose rights will be violated, by these treaty provisions, are primarily the young men of this Nation who have been or will be drafted into the Armed Forces, and ordered abroad. Under this treaty, these men will be denied the protection of such traditional American constitutional safeguards as public trial, the privilege against self-incrimination, and the right to have imposed upon them no cruel and unusual punishments.

This treaty provides, Mr. President, in article VII, that whenever units of our Armed Forces are in a foreign country, to which the provisions of this treaty are applicable, even though our Armed Forces are in that country with the consent of its Government, and for the accomplishment of its adequate defense, nevertheless our boys in uniform shall be subject to the criminal jurisdiction of that country, and to punishment under its laws, after trial in accordance with the laws which are in force there.

There are some exceptions to this general provision; and there are some provisions with respect to which country shall have the primary right to exercise jurisdiction when there is concurrent jurisdiction in a particular case. But, Mr. President, there is one provision of this article which is absolute. Subsection 2 (b) of article VII provides:

> The authorities of the receiving state shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offenses, including offenses relating to the security of that state, punishable by its law but not by the law of the sending state.

For the moment, Mr. President, let us set aside the clause with regard to security offenses, and note that the provision I have quoted is absolute with respect to "offenses punishable by its law," that is, by the law of the receiving state, "but not by the law of the sending state."

This means, Mr. President, that under this treaty every act which is an offense by one of the laws of one of the countries party to the treaty, even though such act is not any offense at all under the laws of the United States, will be punishable strictly in accordance with the foreign law, after a trial in a foreign court.

Now, let me refer back to the clause with regard to "offenses relating to the security" of the foreign state. Such offenses are defined to include—

> (i) Treason against the state;
> (ii) Sabotage, espionage, or violation of any law relating to official secrets of that state, or secrets relating to the national defense of that state.

That means, Mr. President, that if a foreign state has a law making it a security offense to make a public statement critical of the government of that country, any American boy drafted into our armed services and ordered to that country would be punishable under the laws of that country, after a trial in the courts of that country, if he should be caught making a statement derogatory to the government of that country.

Mr. President, I do not mean for a moment to imply that I favor loose talk by members of our Armed Forces, in the nature of criticism of our allies within whose boundaries they may be stationed; but, Mr. President, I think the constitutional guaranties should follow our boys in uniform wherever they are sent under the American flag, even in the territory of a friendly country, and I oppose this treaty because it would deny them those constitutional guaranties.

There is a provision in this treaty, designed to guarantee certain rights to an American national who is prosecuted under the jurisdiction of a foreign country. If you read this list of "guaranteed rights" rapidly, Mr. President, it looks like a pretty good list. But as soon as you start to analyze it, it becomes apparent that some of the most important guarantees under our own Bill of Rights have been omitted from this list.

For instance, it is provided—and the list to which I refer is in paragraph 9 of article VII—that—

> Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving state—

And that means whenever one of our boys is prosecuted under the laws of a foreign country where he happens to be stationed—

> he shall be entitled to a prompt and speedy trial.

But, Mr. President, there is nothing there which guarantees him a public trial, which is one of the basic guaranties of our own system of jurisprudence; and farther down in the list, there is tacit recognition of the fact that frequently, under the laws of a foreign nation, no public trial is permitted; for the last of the enumerated rights is to have a representative of his own Government present at his trial "when the rules of the court permit." That makes it perfectly clear, Mr. President, that it is contemplated that in some instances, at least, the rules of the court in the foreign nation will not even permit a representative of our Government to be present when one of our boys is tried; and the treaty specifically provides that when the rules of the foreign court do not permit that, we are not going to insist upon it. We are just going to let our boy go to trial without anyone from home to appear even as an observer.

There is nothing in this list of enumerated rights, Mr. President, which would protect the right to be tried in the jurisdiction where the offense was committed. There is nothing to protect the privilege against self-incrimination. We think so much of that privilege in this country, that we permit subversives, Communists, and even spies and murderers, to claim their right not to testify against themselves; but we are doing nothing in this treaty to preserve that right for American boys who may be brought to trial in a foreign country for some offense against the laws of that country.

There is nothing in this list of rights, Mr. President, to protect against cruel and unusual punishments.

There is nothing in this list of rights, Mr. President, which will guarantee the right to appeal a decision, or to have any review of a decision in any other way.

There is nothing in this list of rights, Mr. President, to protect an American soldier against a foreign law which concerns the establishment or the exercise of religion. There is nothing to protect an American soldier against a foreign law which abridges freedom of speech or freedom of the press. There is nothing to protect an American soldier against a foreign law which abridges the right of free assembly and petition. There is nothing in this treaty to protect an American soldier against unreasonable searches and seizures. There is nothing in this treaty to protect an American soldier against double jeopardy, where that may be permitted under the law of a foreign country. There is nothing in this treaty which preserves the right of trial by jury for an American soldier prosecuted under the law of a foreign nation.

There is nothing in this treaty which protects an American soldier against the requirement for excessive bail, under some foreign law; or which would protect an American soldier against excessive fines. All of those rights, Mr. President, are rights enumerated and protected in the first 10 amendments of our Constitution; but every one of them is being waived, under the terms of this treaty, with respect to American soldiers who may find themselves charged with an offense under the laws of a foreign country.

Mr. President, it might be well to point out that there are many possibilities,

under the laws of foreign countries, for convictions of offenses which carry in some cases extreme penalties. For instance, in France a person convicted of manslaughter—not murder, but manslaughter—can be put to death or sentenced to imprisonment at hard labor for life. It would not be too difficult to imagine a conviction for manslaughter, under French law, on the basis of circumstances which in the United States would not give rise to a conviction even for involuntary homicide. Furthermore, it must be remember that under French law—and, in fact, under the laws of other European nations—while it is technically true that there is a presumption of innocence, this is only a technicality, for there is no requirement that guilt must be proved beyond reasonable doubt. In this country that is the requirement; every judge must instruct the jury in a criminal case that, in order to convict, the jury must be satisfied beyond a reasonable doubt that the defendant is guilty. But in France and some other European countries it is only necessary to establish guilt by a preponderance of the evidence. It need not be conclusively shown that a man is guilty. It is only necessary to show that he could be guilty, and then if the court believes that he probably committed the crime charged against him, there can be a conviction, even though there is a showing of clear possibility that someone else might just as well have committed the crime.

In France it would be possible for a man to be convicted of rape and sentenced to hard labor for 20 years on the basis of conduct which might be held only adultery, at worst, in a court of the United States. In France a man can be sentenced to 5 years in prison for petty larceny.

In Portugal a man can be sentenced to a term of from 2 to 8 years in a penal colony for the theft of property valued at $175. If the theft is termed robbery—that is, if it is from the person—a similar sentence to the penal colony can be given if the value of the property taken exceeds $35.

Mr. President, I have been dealing with the question of what this treaty does and what it does not do. I desire now to deal briefly with what I consider the indefensible fact that this treaty appears to ignore settled international law; and that, in fact, representatives of the Department of State who testified before the Committee on Foreign Relations with regard to this treaty explicitly misstated the law to the committee.

The legal adviser of the Department of State came before the Committee on Foreign Relations, and was questioned about this treaty. He made a number of misstatements. For instance, he stated that—

> The only area in which the foreign country will have jurisdiction criminally of an offense committed by a member of our force is when he is not engaged in official duty.

Mr. President, that statement may have been the result of a misunderstanding by the legal adviser of the Department of State of the true effect of the treaty; but it is no less inaccurate and misleading for that reason. The provision giving "the primary right to exercise jurisdiction" to our own military authorities in the case of "offenses arising out of any act or omission done in the performance of official duty" is found in paragraph 3 of article VII, and applies only to cases where the right to exercise jurisdiction is concurrent; that is, where there is jurisdiction both in the foreign nation and in the United States. In the classes of cases which I have already discussed, in which there is no concurrent jurisdiction, but in which the authorities of the foreign state have absolute jurisdiction, this question of offenses arising out of any act or omission done in the performance of official duty does not apply at all. The legal adviser of the Department of State should have known that, whether he did or not.

Mr. HENDRICKSON. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. HENDRICKSON. A few moments ago the distinguished Senator from Nevada referred to the testimony of the legal adviser of the Department of State. Was the Senator referring to the testimony of Mr. Phleger, at page 25 of the hearings?

Mr. McCARRAN. I have not the page in mind, but I take it that was the place.

Mr. HENDRICKSON. But it was the testimony of Mr. Phleger?

Mr. McCARRAN. I think so.

Mr. HENDRICKSON. I thank the Senator from Nevada.

Mr. McCARRAN. However that may be, Mr. President, the greatest fault which I find with the testimony of the legal adviser of the Department of State is that he made the following statement before the Senate Committee on Foreign Relations which I quote from page 49 of the printed hearings, on April 7 and 8, 1953:

> Individuals wearing our uniform and part of our military force do not have sovereign immunity, and there is no doctrine which says that a nation which has on its soil representatives of a foreign nation must give immunity to those persons. Immunity is restricted to those which the receiving nation chooses in the handling of its diplomatic affairs to give immunity to, such as Ambassadors, and so forth.

Mr. President, that statement is absolutely contrary to international law as it has been declared uniformly by the Supreme Court of the United States, as the legal adviser of the Department of State should well know.

John Marshall, in the famous Exchange case, which will be found in 7 Cranch 116, at pages 137 and 139 said:

> This full and absolute territorial jurisdiction being alike the attribute of every sovereign, and being incapable of conferring extraterritorial power, would not seem to contemplate foreign sovereigns, nor their sovereign rights, as its objects. One sovereign being in no respect amenable to another; and being bound by obligations of the highest character not to degrade the dignity of his nation, by placing himself or its sovereign rights within the jurisdiction of another, can be supposed to enter a foreign territory only under an express license, or in the confidence that the immunities belonging to his independent sovereign station, though not expressly stipulated, are reserved by implication, and will be extended to him.
>
> This perfect equality and absolute independence of sovereigns, and this common interest impelling them to mutual intercourse, and an interchange of good offices with each other, have given rise to a class of cases in which every sovereign is understood to waive the exercise of a part of that complete exclusive territorial jurisdiction, which has been stated to be the attribute of every nation.
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> First. One of these is admitted to be the exemption of the person of the sovereign from arrest or detention within a foreign territory. If he enters that territory, with the knowledge and license of its sovereign, that license, although containing no stipulation exempting his person from arrest, is universally understood to imply such stipulation. Why has the whole civilized world concurred in this construction? The answer cannot be mistaken. A foreign sovereign is not understood as intending to subject himself to a jurisdiction incompatible with his dignity, and the dignity of his nation, and it is to avoid this subjection, that the license has been obtained. The character to whom it is given, and the object for which it is granted equally require that it should be construed to impart full security to the person who has obtained it. This security, however, need not be expressed; it is implied from the circumstances of the case.
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> Third. A third case in which a sovereign is understood to cede a portion of his territorial jurisdiction is, where he allows the troops of a foreign prince to pass through his dominions. In such case, without any express declaration waiving jurisdiction over the army to which this right of passage has been granted, the sovereign who should attempt to exercise it, would certainly be considered as violating his faith. By exercising it, the purpose for which the free passage was granted would be defeated, and a portion of the military force of a foreign independent nation would be diverted from those national objects and duties to which it was applicable, and would be withdrawn from the control of the sovereign whose power and whose safety might greatly depend on retaining the exclusive command and disposition of this force. The grant of a free passage, therefore, implies a waiver of all jurisdiction over the troops, during their passage, and permits the foreign general to use that discipline, and to inflict those punishments which the government of his army may require.

Mr. KNOWLAND. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. KNOWLAND. I am certain the distinguished Senator from Nevada recognizes there is a great difference in the case of free passage of troops through a country. The troops would be in the country either as invaders or by permission, for some reason such as occurred in, I think, the Coolidge administration, when troops of the National Government of the Republic of Mexico were permitted to pass through American territory in order to reach Lower California, to quell a rebellion. In that instance, the troops were in passage, in military formation, under the control of their commanders. The situation with respect to NATO, in Europe, is quite different. There it is not a question of an organized unit of American forces passing from France through Belgium into Germany. It is an unprecedented situation, occurring not in war time, but in peace time. The troops are not in

transit; they are stationed in fixed installations, under jurisdiction of the United States, so far as their official duties are concerned. The agreement applies only to cases where an individual has committed a crime against the country concerned, outside his official duties.

Mr. McCARRAN. The Senator's remarks emphasize the language of Justice Marshall, because they bring the expression of Justice Marshall squarely into this picture. Those troops are there by permission of the sovereign of the foreign country. They cannot be there otherwise. He having relinquished his sovereignty to that extent, the law of the land whence they come is the law that should govern.

In the case of *Coleman* v. *Tennessee* (97 U. S. 509, p. 515), the Supreme Court of the United States said:

It is well settled that a foreign army permitted to march through a friendly country, or to be stationed in it, by permission of its government or sovereign, is exempt from the civil and criminal jurisdiction of the place. The sovereign is understood, said this Court in the celebrated case of the Exchange (7 Cr. 139), to cede a portion of his territorial jurisdiction when he allows the troops of a foreign prince to pass through his dominions: In such case, without any express declaration waiving jurisdiction over the army to which this right of passage has been granted, the sovereign who should attempt to exercise it would certainly be considered as violating his faith——

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

Mr. McCARRAN. In a moment—

by exercising it, the purpose for which the free passage was granted would be defeated, and a portion of the military force of a foreign independent nation would be diverted from those national objects and duties to which it was applicable, and would be withdrawn from the control of the sovereign—

Let the Senator from California listen to this:

whose power and whose safety might greatly depend on retaining the exclusive command and disposition of this force. The grant of a free passage, therefore, implies a waiver of all jurisdiction over the troops during their passage——

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

Mr. McCARRAN. I will yield as soon as I conclude this quotation. I do not like to break into the middle of a quotation. This is from the Supreme Court of the United States—

and permits the foreign general to use that discipline and to inflict those punishments which the government of his army may require."

That is a repetition of the language of Mr. Justice Marshall, appearing in the Tennessee case.

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

Mr. McCARRAN. I yield.

Mr. KNOWLAND. I respectfully say to the Senator from Nevada that I think there is an entirely different situation as between the free passage of troops through a country and the situation which we have in the NATO countries. There is not involved the question of the passage of an organized division or army or corps through a particular state to get from point A to point B. That is an entirely different situation. They are there under their commanders. They are in military formation. Obviously a civil official would not attempt to pick a tank or truck out of the line because it had been exceeding the speed limit when it was in a military formation, or perhaps a division. in transit through a country.

But we do not have such a situation in NATO. The troops may, of course, move from time to time; but here we have a considerable body of troops stationed in foreign countries for a considerable period of time, not under war conditions. The very terms of the treaty make it clear that in the event of war the provisions no longer apply when the countries ask that the treaty no longer be in force and effect.

So we have an unprecedented situation. Even during wartime, except in those countries where we went in as a military conqueror or occupying power, we obtained an agreement, as in the case of Great Britain, where a number of us served overseas in World War II. We had specific agreements with the British Government at that time relating to the United States forces which were there.

Mr. McCARRAN. The same principle applies to troops passing through a country and troops stationed in a country. They are there by consent of the sovereign, and when he consents he relinquishes a part of his sovereignty.

Will the Senator from California say that the youth of this land, six divisions of whom are now in Europe, should relinquish the constitutional privilege for which they are giving their lives? Is that the idea?

Mr. KNOWLAND. No. If the Senator will yield further, we are dealing with an important treaty. I think it is essential that the facts be brought out. Certainly the NATO is a mutual defense organization. It is the policy of the Government of the United States that it be mutual. If it is to be mutual, we certainly cannot ask from others what we will not ourselves give. I submit to the distinguished Senator that if a member or members of a group of French, British, or Italian soldiers stationed in this country violated a civil law of this country, not in the course of duty—for example, if they should commit burglary, murder, or some other crime—they would be subject to the laws of the United States. Does the distinguished Senator hold that they should be completely immune from the civil laws and the State laws of the United States, when they are not on duty, when the crime which they commit has nothing to do with their duty? Does the Senator hold that they should be completely snatched out from under the jurisdiction of a State of the Union, or of the laws of the United States? I do not think the distinguished Senator can so contend.

Mr. McCARRAN. Evidently the Senator from California has not read the treaty.

Mr. KNOWLAND. I certainly have.

Mr. McCARRAN. If he had he would not have propounded that question to me. It is evident that he has not read the treaty.

Mr. President, I wish to digress for a moment from my text to say that no boy in uniform going across the water should go there without having the Constitution follow him. The flag follows him. His law should follow him. The laws to which he will come back should follow him. The laws for which he is fighting should follow him and protect him in any country where he may be located.

In the case of *Dow* v. *Johnson* (100 U. S. 158, p. 165), the Court said:

As was observed in the recent case of *Coleman* v. *Tennessee*, it is well settled that a foreign army, permitted to march through a friendly country—

Will the Senator from California listen to this language of the Supreme Court?—

or to be stationed in it by authority of its sovereign or government, is exempt from its civil and criminal jurisdiction. The law was so stated in the celebrated case of The Exchange, reported in the 7th of Cranch.

Again the Supreme Court goes back to the language of Mr. Justice Marshall.

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

Mr. McCARRAN. I yield.

Mr. LONG. It is my understanding that the law in some of the Arab nations requires that any person found guilty of simple theft shall have his hand cut off. Is there any possibility that one of our young men might be subjected to such a law?

Mr. McCARRAN. Under the provisions of this treaty, there is the possibility that one of our young men might be subjected to any law in any country and to any procedure in any country.

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

Mr. McCARRAN. I yield.

Mr. BUTLER of Maryland. If one of our servicemen should be found guilty of an offense, he would be incarcerated in the foreign country, and there held at the pleasure of the foreign sovereign. Is that not correct?

Mr. McCARRAN. Yes; and in all probability held incommunicado.

Mr. BUTLER of Maryland. Away from his family and away from his friends.

Mr. McCARRAN. The Senator is correct. That is the law, Mr. President. This treaty, therefore, is founded either upon bad faith or bad legal advice in the Department of State, which appears ignorant of the rule of international law laid down by Chief Justice Marshall and a host of other authorities, that troops of a friendly nation passing through, or stationed within another friendly country are immune from the local laws of the latter country and subject only to their own country's laws administered by their own superiors.

Mr. President, it has been argued that this treaty is a case of granting and getting reciprocal rights. It is true, of course, that the provisions to which we by this treaty would give assent, with respect to our own soldiers, would also be made applicable to the soldiers of foreign countries, quartered in this country. But, Mr. President, would it not be much better to let some twelve thousand foreign troops, now in this country, remain subject only to their own military juris-

diction, than to subject seven hundred and fifty thousand or more American soldiers in Europe to local European law which does not accord them American constitutional safeguards and American judicial review?

Mr. BUTLER of Maryland and Mr. SALTONSTALL addressed the Chair.

Mr. McCARRAN. I yield first to the Senator from Masachusetts.

Mr. SALTONSTALL. Mr. President, I have been listening with attention to the Senator from Nevada. He has put a question: Would it not be better to have the 750,000 men in the foreign countries remain subject to the jurisdiction of the United States? The Senator has been quoting from Chief Justice Marshall in the case of the *Exchange*, with reference to troops marching through a foreign dominion. The decision, as I read it, is based upon the following sentence:

> All exceptions, therefore, to the full and complete power of a nation, within its own territories, must be traced up to the consent of the nation itself. They can flow from no other legitimate source.

Chief Justice Marshall quoted three exceptions.

One of the exceptions is when one sovereign, in the old days, would go into the land of another king.

The second exception is when foreign ministries are established.

The third exception is when troops are passing through another dominion.

It is clear that those are exceptions to the rule that the relinquishment of any powers of jurisdiction of the courts must be traced to the consent of the nation itself.

The other opinion from which the distinguished Senator from Nevada read is the case of Coleman against Tennessee. The sentence reads:

> It is well settled that a foreign army permitted to march through a friendly country or to be stationed in it by permission of its government or sovereign is exempt from civil and criminal jurisdiction of the place.

Mr. President, the purpose of the treaties, as I understand, is to get such consent. At the present time there is no consent. That is the difficulty which the treaties are trying to overcome.

Mr. McCARRAN. There is no consent. What are we doing there?

Mr. SALTONSTALL. There is no consent with respect to the jurisdiction of the courts. The French, the Belgians, the English, and we, respectively, have jurisdiction over the courts. What we are trying to do by ratification of the treaties is to give consent in regard to how civil and criminal actions shall be handled.

Mr. McCARRAN. If the Senator will read the *Exchange* case and if he will read the Tennessee and Dow cases he will note that the consent is presumed, and is so stated.

Mr. SALTONSTALL. I would most respectfully disagree with the Senator from Nevada on that point.

Mr. McCARRAN. I ask the Senator from Massachusetts to read the cases. I did not make the cases.

Mr. SALTONSTALL. I have read the cases.

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

Mr. McCARRAN. I yield first to the Senator from Maryland.

Mr. BUTLER of Maryland. Mr. President, I should like to call the Senator's attention to page 5 of the report, under paragraph (e), which reads: "to have legal representation of his own choice for his defense, or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State."

Mr. President, I should like to ask the American people: Do you want to send your sons to a foreign country on such a shabby guaranty as to legal representation in a trial for a serious crime?

Mr. McCARRAN. If the Senator will read further, he will find that it does not even extend so far as the Senator thinks it does.

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

Mr. McCARRAN. I yield.

Mr. FERGUSON. Does not the Marshall decision say in effect that if the troops are invited into a foreign country there is an implied understanding that the jurisdiction of the sending nation is to be retained, but that it is only an implication in case there is no agreement allowing them to enter the country?

Mr. McCARRAN. No; I do not think so.

Mr. FERGUSON. Does the Senator believe that the word "implied" means that it absolutely cannot be varied by agreement?

Mr. McCARRAN. Chief Justice Marshall said so. The Dow case so holds. The Tennessee case so holds. All three cases so hold. The question is focused in the Dow case, where it is stated specifically.

Mr. FERGUSON. I do not understand that it is an absolute understanding which cannot be changed by agreement.

Mr. McCARRAN. Mr. President, if the Senate ratifies this treaty, it should do so with full knowledge of what the result will be for American soldiers in both hemispheres. I say both hemispheres, Mr. President, because while this treaty will not automatically apply to American troops in Japan, the fact remains that negotiations are under way on an executive agreement covering this question of rights of members of our Armed Forces in Japan. It is the intention of the State Department, I have been informed—and I believe, reliably informed—if this treaty is ratified, to simply negotiate an executive agreement with Japan stating that the same rights shall apply with respect to our troops in Japan as would apply under this treaty in a North Atlantic Treaty Organization nation. So that what we do here probably will also affect the rights of our soldiers in the Pacific as well as the rights of our soldiers in the Atlantic theater.

Mr. President, what I have said has not been carefully prepared, and I know it has not been thorough nor scholarly. But I have tried to state the facts. We are, by this treaty, proposed now for ratification, waiving many of the most important constitutional safeguards with regard to all of our soldiers in North Atlantic Treaty Organization countries of Europe, and all of our soldiers in Japan. We are ignoring basic principles of international law in order to grant numerous foreign nations jurisdiction over our soldiers, who are in those countries on missions concerned with the defense of those countries. Mr. President, I regard this as wrong, and I shall vote against ratification of this treaty unless the Bricker reservation is agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5451) to amend the wheat-marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5451) to amend the wheat-marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes, and it was signed by the President pro tempore.

STATUS OF FORCES AGREEMENT OF PARTIES TO THE NORTH ATLANTIC TREATY ORGANIZATION

The Senate, as in Committee of the Whole, resumed the consideration of the agreement, Executive T (82d Cong., 2d sess.), an agreement between the parties to the North Atlantic Treaty regarding the status of their forces, signed at London on June 19, 1951.

Mr. BRICKER. Mr. President, some time ago I filed a reservation, which will be called up at the time the resolution of ratification comes before the Senate. The reservation appears in the RECORD. At the very beginning I wish to state that I have no opposition to the remainder of the treaties, except to the section to which I have suggested the reservation.

The treaty in question is Executive T, 82d Congress, 2d session, submitted by the President of the United States under date of June 16, 1952. The reservation applies particularly to article VII, beginning on page 7, continuing on page 8, and concluding at the middle of page 9. Particularly, it is a reservation in regard to the rights of United States soldiers and civilian components of the Armed Forces stationed in foreign countries, to be tried under the code of military justice, and not to be submitted to the courts and the jurisdiction of the foreign countries in which they happen to be located.

On May 7, 1953, I discussed on the floor of the Senate the criminal jurisdiction provisions, especially article VII, to which I have referred, of the NATO Status of Forces Treaty. At that time I submitted the reservation to the treaty. The proposed reservation would preserve the criminal jurisdiction of United States military service courts over United States troops stationed in other NATO countries.

Mr. WILEY. Mr. President, will the Senator from Ohio yield at this point?

The PRESIDING OFFICER (Mr. AIKEN in the chair). Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. BRICKER. I yield.

Mr. WILEY. Suppose the reservation were adopted. In the judgment of the distinguished Senator from Ohio, would it require renegotiation of the treaty?

Mr. BRICKER. If the other countries accepted the reservation, it would not.

Mr. WILEY. Does the Senator from Ohio mean if the other 13 countries accepted the reservation?

Mr. BRICKER. Yes. They would have to accept it, or it would not be binding on either us or them.

Mr. WILEY. I think the answer is that if they did not accept the reservation, there would be no treaty. Is that correct?

Mr. BRICKER. It would be far better to have no treaty, than to have American boys turned over to foreign courts over which we have no jurisdiction.

Mr. WILEY. Of course, we would not do that. Suppose, however, there is no treaty; suppose we carry on as we now are. How are our troops abroad treated now?

Mr. BRICKER. I do not know.

Mr. WILEY. I can tell the Senator from Ohio.

Mr. BRICKER. Yes; the chairman of the committee may have access to the classified executive agreements, so-called, which have been kept from the other Members of the Senate. That is one thing I am complaining about at the present time.

A moment ago the chairman of the committee said to the Senate that we are trying to remedy a bad situation which will be worse if the treaty is not ratified. Let me ask who entered into the executive agreements. What are they? Who has authority to deliver our troops to foreign courts without the consent of the United States?

Mr. WILEY. I shall be glad to answer the question. Our troops are stationed in 13 countries. These countries have not surrendered their jurisdiction. If a Member of the Senate went to one of those countries and, while there, committed a crime, he would be subject to the courts of that country, even though he was a United States Senator. The mere fact that these young men are in uniform makes no difference. If while not engaged in their official duties, they commit crimes, the jurisdiction of the country in which they are stationed fastens upon them. That is what has happened.

The 14 countries in this case have gotten together and have concluded that there should be uniformity of treatment. So they agreed to the Status of Forces Agreement, which is before the Senate at this time. If we ratify it, together with the reservation submitted by the Senator from Ohio, if the other countries do not agree to the reservation, there will be no treaty. In that event the status quo will continue, and under it every country exercises its own jurisdiction, without any general rules, as laid down in these treaties.

Mr. BRICKER. Not only do the so-called executive agreements—which in the record of the hearings are claimed to be classified—violate 150 years of international law, as interpreted by our courts and as observed in our relations with other countries, but they likewise violate the Code of Military Justice which was passed by the Congress of the United States and signed by the President.

Mr. WILEY. Mr. President, will the Senator from Ohio yield further to me?

The PRESIDING OFFICER (Mr. POTTER in the chair). Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. BRICKER. I yield for a question. I wish to finish my speech.

Mr. WILEY. Does the Senator from Ohio realize that the treaties were negotiated by the past administration, and that the present administration asks that the treaties be approved?

Mr. BRICKER. Certainly. That shows on the record.

Mr. President, on June 24, 1953, I appeared before the Senate Foreign Relations Committee to explain further the purpose and effect of my proposed reservation. On both occasions, I emphasized that nothing in Senate Joint Resolution 1, which I hope will be before the Senate before very long, would prevent the making of a treaty such as the NATO Status of Forces Treaty. The proposed constitutional amendment would not prevent the making of all undesirable treaties.

In the debate on this treaty, we must not lose sight of one fundamental question: Insofar as our servicemen abroad are concerned, shall we insist on trial of Americans, by Americans, and for Americans?

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, a broadcast by Willis J. Ballinger, under date of July 6, 1953, in regard to the pending matter.

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

THIS IS YOUR AMERICA

Hello, fellow Americans. Tonight I want to tell American mothers about a matter which I know will make their blood boil, and justly so. For some 12 years now American mothers have lived in agonies of fear. In World War II and the present Korean war these mothers have been subjected to a round the clock strain of fearing that their sons would be killed, fearing that they would be maimed or crippled, or fearing that they would come home having to fight a long battle to readjust nervous systems and lick John Barleycorn. Yes; for some 12 years American mothers have had a rough time of it. But now they have a new fear to worry about. Do you know that for some time now our State Department, through secret agreements, has permitted foreign nations to take over the trial of American soldiers charged with breaches of the civil or criminal laws of those nations? Today there are American soldiers serving in some 40 nations. Those American boys are not where they are because of any desire on their part. Most of them have been drafted and ordered to serve in these 40 nations. They are there to help in defending their soil from Russian aggression. They are there serving the interests of those foreign nations. Yet if Johnny Jones or Sam Smith gets into trouble with a girl, goes on a bender and punches someone on the nose, or commits other offenses, he is, by the secret connivance of our own State Department, deprived of a trial by American authorities, and subjected to the trial procedures of foreign nations, many of whom have judicial systems that do not provide for the kind of humane and fair trial that our judicial procedures do. Take the Middle East, a part of the earth we are desperately wooing so as to keep oil and manpower out of the hands of the Kremlin. In some Middle East countries the punishment for theft is to cut off the hand of the offender. Now no one wants an American soldier to commit theft, nor should such an offense be condoned. But if an American soldier in a foreign country does steal, he should be tried before American military authorities where he will be guaranteed a trial in which he is presumed innocent until proven guilty, a trial where he will be held guilty only when there is no reasonable doubt as to his guilt, a trial where he will not be denied the right to competent counsel or the right to summon his witnesses, a trial in which he shall have the right of appeal and shall be protected against cruel and inhuman punishment. Theft is bad, but we don't believe in cutting off an offender's hand. In some foreign courts the accused has no right of appeal, no right to summon his witnesses, no right to a dozen fundamental safeguards that we have for insuring a fair trial. How would you like your son to be tried before a Communist judge in Marseilles, a judge who has it in for all Americans? Or how would you like your son to be tried before a Japanese judge when Japan is seething right at the present moment with violent anti-Americanism, an anti-Americanism that is rampant in other foreign nations also? How, even if there were fair judicial procedures, could he be expected to get a fair trial?

Our State Department started this shocking business by secret executive understandings with NATO nations, and then came up on Capitol Hill to get the whole thing approved by Congress in the form of a treaty which would empower our State Department to have full authority to turn American soldiers over to foreign courts. And a Senate committee has actually reported out favorably that treaty. It was at this point that Senator BRICKER, of Ohio, challenged the treaty. He asked the Defense Department to give him the facts on American servicemen punished in foreign courts. The Department said it could not do so. Then letters began pouring in on BRICKER from all parts of the world, not only from servicemen, but from their wives, from American chaplains, and even from American judges in Germany. Some of these letters have been released by the Senator, after giving them a careful inspection. Here are some of the things that are happening to our servicemen who have already been turned over to foreign courts: A wife of an American soldier stationed in Turkey says that her soldier husband was picked up by Turkish authorities. His Army friends hired two Turkish lawyers to defend him. But at the trial no witnesses were called on her husband's behalf, though the Turkish witnesses contradicted their original statements. This woman's husband was sentenced to 10 months in a vermin-infested Turkish prison with a low class of Turkish criminals. While in prison her husband met an American warrant officer serving a 2-year sentence. This poor fellow is allowed no visitors except the chaplain once a week and an official Turkish doctor. Worse yet, this poor fellow, BRICKER was told, has tuberculosis and doesn't belong in a prison at all.

The wife of an American soldier stationed in Morocco wrote that there French authorities discriminate against Americans both individually and collectively in every possible manner, wrote that it was a matter of record that French courts invariably assess maximum fines and punishments against Americans. An American Legion Post—yes, an American Legion Post—in French Morocco wrote of Kenneth Griffith, a shipservice man, second class, that was sentenced to 10 months in prison. But when he appealed his case the sentence was raised to 16 months.

Two American judges in Germany complained of German judicial procedures. One judge said that under German law there was no adequate rule of reasonable doubt, a basic fundamental in American criminal jurisprudence. That hearsay evidence is admitted to the discretion of the trial judge. In America no one can be convicted on hearsay evidence. That release on bail can be, and in the majority of cases, is denied. In America, except for serious charges like murder, it is a normal right. The other American judge in Germany expressed the opinion on the conviction of an American soldier that under American law he would have gone free, but under German law he had to be sentenced.

These are only a few cases. I shall report more in the future, because in your commentator's opinion here is one of the most abject surrenders of American rights on record, that our boys abroad, stationed there to protect the soil of foreign nations, shall be deprived of their American birthright, the right to a fair, humane, and impartial trial, and all because, as I shall show you in a minute, because the internationalists insist that it shall be done.

When the treaty proposing that Congress approve of turning our soldiers stationed in foreign nations over to foreign courts was referred to a Senate committee, two State Department officials appeared in its behalf. One of these was Gen. Bedell Smith, the Under Secretary of State. He is being mentioned as the successor to Secretary of State Dulles. The other was Herman Phleger, legal adviser of the State Department. Phleger told the Senate committee that American military personnel in foreign nations could not claim any diplomatic immunity, that they were governed by the civil and criminal laws of such nations. Senator BRICKER says that Phleger was dead wrong, and that his statement to the committee revealed his total lack of experience in the field of international law. The Ohio Senator pointed out that the correct rule first laid down by Chief Justice John Marshall and by many later authorities is that troops of a friendly nation stationed within the territory of another are not subject to the laws of the other country, but are subject only to their own country's law and regulations for the government of the armed services. So here we have the highest legal officer of our State Department advising a Senate committee to surrender the birthright of every American citizen, the right to be tried by his own countrymen for any crimes committed, though from John Marshall on down an American soldier does not forfeit that birthright just because he dons a uniform. I can tell you that Herman Phleger is building up a lot of ill will on Capitol Hill. He is either regarded as incompetent as a lawyer or an internationalist willing to go to any lengths to batter down American sovereignty. And he will hear from this accumulating ill will on Capitol Hill sooner or later, and it may cost him his job.

Now for Gen. Bedell Smith's defense of a treaty that would hand over American youths to the mercy of foreign courts, American youths that are stationed on the soil of foreign nations to defend that soil and who are there involuntarily, because American politicians are hellbent on keeping us involved in every war that Europe can bring to pass, and she has brought to pass some 278 wars in the past 500 years, according to 1 scholarly count. General Smith argued that to turn American soldiers over to foreign courts would diminish the administrative burden on troop commanders. Think of that: American soldiers should lose their birthright to an American trial just because troop commanders would have lighter duties. Incredible, but he said it. Then Smith really set sail on his un-American course, argued that failure to give foreign courts jurisdiction over American soldiers would jeopardize the maintenance of friendly foreign relations. That, of course, was Dean Acheson's perennial argument when he was Secretary of State, don't disturb good neighborly relations, and he did everything the world wanted us to do. Senator BRICKER pointed out that if foreign nations could not find the manpower for their defense out of a population greater than our own, if they could not pay the full cost of maintaining their own forces, if they cannot exact from their forces the same military service we demand of ours there would be little likelihood of them abandoning the cause of a mutual defense merely because we insisted on permitting the trial of Americans by Americans. Finally, General Smith employed a truly amazing argument. He said that if the treaty was not ratified as written, the treaty giving foreigners the right to try American citizens, that Americans would be turned over to local foreign authorities for trial with even less protection than that provided in the treaty. Senator BRICKER said he had never heard a more brazen challenge to the authority of Congress, that General Smith was in effect commanding the Senate to lie down and to roll over, and that if it didn't our State Department would, through secret agreements, make the going tougher yet for Americans tried by foreign courts, a power which Senator BRICKER says the Executive does not have as only Congress can make rules for the regulation of the land, naval, and air forces of the United States.

Now let me serve you up the final straw in this whole ugly matter. Under one treaty submitted by our State Department, Congress is asked to turn over Americans to foreign courts for trial when they commit any offenses against the civilian populations of foreign nations. But under another treaty also submitted by our State Department our Congress is asked to confer diplomatic immunity on all NATO personnel that may come to the United States. All of this personnel, it is asked, shall enjoy varying degrees from personal arrest or detention by American courts. Much of this personnel receive high salaries and many are exempt from income taxation. Yet they are to be immune from arrest or detention by our courts while American soldiers abroad, from generals down to privates, are to be turned over to foreign courts if they commit any offenses against the civilian populations of foreign nations.

As I tell you this, I have almost to pinch myself to believe it is true, that the internationalists have become so brazen and demanding on America that the sons of American mothers who may be sent across the seas to defend the soil of foreign peoples shall give up their American birthright which guarantees to them a trial by their fellow countrymen if they commit any offenses against civil government, a trial that must be conducted under judicial safeguards that stem from our Bill of Rights and which insure that the trial shall be fair and humane. If this doesn't make you sick of internationalism, nothing will. And don't forget that this latest surrender of American sovereignty is being proposed by our State Department. Let Senator BRICKER know how you feel about this shameful betrayal of Americanism, and let your Senators know too, because Senator BRICKER has a chance to beat on the floor of the Senate the State Department request that we turn American soldiers over to foreign courts.

Mr. BRICKER. Mr. President, in order that we may understand the real import of this proposal, I should like to refer to a few letters which I have received at my office since my previous presentation and since the reservation was submitted. I desire to call some of these letters to the attention of my colleagues.

The first one to which I shall refer comes from a United States judge in Western Germany. He wrote as follows:

I read with interest of your bill to secure the legal rights of United States soldiers and civilians stationed in European countries. You are quite right about it and I am writing you because I thought perhaps I might be of help. * * *

At any rate I have had to become familiar with the civil law theory. It differs from ours in five important particulars: (1) They have an examining magistrate, "juge d'instruction," with quasi-inquisitorial powers. (2) No adequate rule of reasonable doubt exists. (3) Hearsay evidence is admitted at the discretion of the trial judge. (4) Their jurors are only assessors sitting with judges and in some cases being in a minority. (5) Release on bail can be and in the majority of cases is denied. As an example: An American citizen, one Bowen, was held recently in jail for 6 months by the German courts for a currency violation. He was only released because I issued a public statement which forced the High Commissioner to act. Subsequently the charges were dismissed.

Case No. 2: This letter comes from a resident of my home State of Ohio and reads as follows:

I have a sister who is married to a United States naval commander, and they are living in Yokohama. Recently, I received a letter from her in which she expressed such appreciation of your efforts in the introduction of the reservation to the 14-nation pact that I thought you might like to know it. * * *

It is good to know that someone is looking out for us. Knowing what we do, none of us want to come under Japanese police jurisdiction. They haven't forgotten the licking we gave them. With the ill feeling toward us, it is not right to put us under the Jap police.

Case No. 3: This comes from a United States Army officer in Formosa. I read:

During the years 1946–50 I * * * did all in my power to prevent the acceptance by the Armed Forces of the drafts which contained the jurisdiction articles. * * *

In 1946 a * * * paper on jurisdiction was prepared by a working group of which I was a member. In it the basic policy of the United States on jurisdictional problems was to be stated. In 1949, after 3 years of rather fruitless bickering between the Armed Forces and State a watered-down policy was finally produced, but it has, as far as I know, never been implemented by the State Department which has always been quite hostile to the exercise of jurisdiction by the United States Armed Forces in foreign countries.

Case No. 4: This comes from a civilian employee of the United States Air Force in Western Germany. I read:

I wish to applaud your stand opposing the treaty which would cause American civilians and soldiers to be tried in foreign civil courts and under foreign laws. This would certainly be an unfair and unjust way of handling the matter. Many foreign nations

have laws that bear so semblance whatever to the American laws on the same subject. * * *

I was brought to trial in the HICOG court because of [a traffic] death, under the terms of the German law. Even the prosecuting attorney admitted that under American law I was not at fault. I received a proper trial and was found guilty of "simple negligence," whatever that is, and fined. Yet the judge himself, who was an American, stated in his opinion, that under German law he had no choice but to find me guilty even though under American law I would not be guilty. He further stated that he did not know why he was not allowed to try me under American law. * * *

This is a very bad situation for me, since if the decision of the lower court is not reversed, I will be branded for life with the stigma of a criminal.

Case No. 5: This comes from an Army officer in the Far East. I read:

Bravo for your strong stand against allowing foreign governments to have criminal jurisdiction over American troops stationed abroad. It would indeed be a sad travesty to deprive American troops overseas of the protection of the Government and Constitution many have given their lives to defend.

Case No. 6: This is from the wife of an American soldier serving in France. I read:

After all, our husbands and fathers are not serving overseas by their choice, but by orders, and with this bill will be left to the mercy of a foreign court. I am a foreign war bride and have seen how other courts operate. Our soldiers could be very easily rooked into a crime by maybe a communistic or anti-American group and then be tried by a communistic or anti-American-inclined judge. Our soldiers could be ganged up on and then get a trial like Vogeler or Oatis. I think anybody should think twice before voting for such a bill.

Case No. 7: This comes from the legislative chairman of a Reserve officers' association. In passing, I may state at this point that none of the service organizations were represented before the Committee on Foreign Relations. I do not know whether they were invited, but there was no testimony from the soldiers, the sailors, or the marines, or from the veterans' service organizations in regard to this matter.

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

Mr. BRICKER. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. In connection with what the Senator from Ohio has just said, I may say I have statements from all the services, which I intend to place in the RECORD at the proper time; or I should be glad to read them at this time. I presume the Senator would like to finish his statement.

Mr. BRICKER. I should like to finish, if the Senator will permit me to do so.

Mr. SALTONSTALL. I merely wanted to say that we have statements from all of the services.

Mr. BRICKER. But there was nothing in the RECORD. I think I stated the fact in that regard.

Mr. SALTONSTALL. Yes.

Mr. BRICKER. In connection with case No. 7, I had said that this comes from the legislative chairman of a Reserve officers' association. I read:

It is hard to believe that anyone who calls himself an American would desire, by treaty, to deprive the military forces of our country, serving in foreign lands for the protection of those same lands, to deprive him of his constitutional rights, when, in fact, we grant those same rights to enemies resident within our own borders.

Case No. 8: This is from a resident of Cincinnati, Ohio, who says:

I spent 31 years of my life and money to help bring about an equitable court-martial system for all serving in our Armed Forces. * * * Congress should take immediate action to forbid the further turning over of our service personnel to foreign nations for trial by backward and even barbaric nations and then pass the Bricker amendment so that the people who are overwhelmingly in favor of it can enact it into our Constitution.

Case No. 9: This comes from a retired brigadier general, who says:

May I urge your utmost opposition to proposed treaty permitting trial by foreign courts of American military personnel. * * * It is illogical and unreasonable and can only represent another effort to place the rights and lives of American citizens under foreign control. Service personnel have no choice in their foreign assignments but do have an inalienable right to the protection of our Constitution. Is this to be denied them by the Congress of the United States?

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

Mr. BRICKER. I yield.

Mr. KNOWLAND. In the letter which the distinguished Senator from Ohio read immediately preceding the last one, the Senator's correspondent apparently mentioned that it would be a terrible thing to turn American soldiers over to barbaric nations for trial. I think there is a great deal of misunderstanding relative to the treaties. The fact is that they would apply only to the NATO countries. Certainly France, Great Britain, Belgium, and Italy cannot be considered to be backward or barbaric countries, as I think the Senator will agree.

Mr. BRICKER. Far from it; and the Senator from Ohio certainly does not consider them as such. However, I do consider that their laws are alien to ours, and their legal procedure is entirely different.

Mr. KNOWLAND. That is correct.

Mr. BRICKER. Their protection to the individual is not comparable or commensurate with the protection afforded our citizens in this country.

Mr. KNOWLAND. That is correct. But each of those countries has a system of justice which each of them considers to be a civilized system of justice.

Mr. BRICKER. Each has a system of justice adequate to meet its needs, but not adequate to meet our needs.

Mr. KNOWLAND. But their systems of justice, of course, would not apply to our troops acting in line of duty. For example, a sentry, acting in line of duty, who might kill a citizen of one of those countries possibly because the citizen did not obey a command to halt, would not come under the jurisdiction of the laws of that country. That is clearly spelled out. In case he is on duty, or following out his orders, or if he is driving a truck while on duty, he does not come under the jurisdiction of the foreign country. Only when acting outside the line of duty, he violates a law of the particular country, would he be brought within its jurisdiction.

Mr. BRICKER. I may say to the Senator, in response to his question, that the record shows that the Senator from Michigan [Mr. FERGUSON] asked Mr. Phleger, who was the legal expert from the State Department, "Who would determine whether a crime was committed in the course of duty?" To which Mr. Phleger replied, "The agreement provides that this matter shall be determined by arbitration, by an eminent jurist of the receiving country, who is appointed jointly by the receiving and the sending countries." So that it would be up to the jurist of the receiving country to determine whether the individual was acting in the course of his duty at the time of the commission of a crime, or of an alleged crime.

Mr. HENDRICKSON. Mr. President, will the Senator from Ohio yield?

Mr. BRICKER. I yield to the Senator from New Jersey.

Mr. HENDRICKSON. I am prompted to raise the question I am about to ask by the colloquies which have taken place between the Senator from Ohio and the Senator from California. I am very much concerned about the so-called "justice" our soldiers may get in foreign countries. Some of those countries have very fine systems of justice, but we must remember—and I merely want to bring it to the attention of the Senate, because I do not think we can afford to overlook it—that we for a long time occupied many of the countries in question, and troops of occupation, as I happen to know, having been one of them, are not particularly popular. They grow more unpopular as the years pass. I have great concern about having our troops tried by foreign courts in the countries where we have troops of occupation, for the reason that the prejudice which may exist is only natural and instinctive. That phase of the matter gives me great concern.

Mr. BRICKER. I appreciate the suggestion of the distinguished Senator from New Jersey. I know of his personal interest, because there are members of his family who are in the Armed Forces at the present time. What the Senator says is true with respect to every American father and mother who has a son in the foreign service.

Let me say, also, to the distinguished Senator from California that I do not see how we can apply this provision to the NATO countries alone. We have already assured Japan that we will give her the same kind of treatment. Likewise, the Near East and the Middle East must be treated in the same way. We hardly dare say that those countries have a system of justice upon which we can rely, or that in the other countries—and there are 40 of them where our soldiers are located—American ctiizens would get adequate justice. I do not see how we can differentiate between them or do anything other than to apply the principle across the board in all countries where our soldiers are located.

Mr. KNOWLAND. Mr. President, will the Senator from Ohio yield further?

Mr. BRICKER. I yield.

Mr. KNOWLAND. The Committee on Foreign Relations made it very clear

during the course of the hearings, it seems to me, that so far as we were concerned it is not to be considered as a precedent for future agreements. I think that in the interpretation which has been offered by the distinguished Senator from Wisconsin, the chairman of the committee, that fact was made clear. After all, this agreement is made with a series of countries which have entered into mutual obligations, each with the others, for the common defense. It is not only for our defense or for their defense; it is for the common defense. I do not believe, and the committee has so stated, and I have so stated in the committee to the representatives of the Department of State and of the Department of Justice, that this should be considered a precedent. I believe the Government would be amply justified in countries, other than NATO countries, which have not entered into mutual arrangements of defense, in making other provisions.

I may say to the distinguished Senator, and I think frankness requires it, that if we were proceeding de novo to get an agreement, I think it would contain different provisions from those appearing in the agreements which have been presented to the Senate at this time. I should certainly be very disappointed if the Department of State, in view of the discussions before the Committee on Foreign Relations and the discussions on the floor of the Senate, should not negotiate other agreements which would cover a number of the points which have been raised.

Mr. BRICKER. I thank the Senator from California for his contribution.

These letters, Mr. President, are from the field in most respects, and they cover individual instances showing the danger we are incurring in this treaty. I desire to read case No. 10. I shall read only one or two more of them. This letter is from a United States Air Force officer stationed in France:

> How long do you think a French judge of a police court would last if he disregarded the testimony of a Communist policeman and accepted the testimony of a GI? It's hard to convince me that all of our top military and naval personnel really believe in this proposed treaty.

I have before me a letter from a pastor in Europe, in which he says:

> It is inconceivable that American servicemen would be accorded just and fair trials as we understand these terms in the United States. In spite of the fact that American servicemen have gone thousands of miles from their homes on missions of liberation from tyranny in winning two of the greatest wars in world history, during a period of only 28 years, their overseas friends still think they are overpaid and pampered.

The next letter comes from the wife of a soldier stationed in Turkey, a case illustrative of another point which was emphasized a moment ago by the Senator from Nevada. This woman says:

> My husband was immediately confined to a Turkish prison to await his trial. His Army friends retained two Turkish lawyers. However, from the beginning to the end the trial was a great injustice. There were not any witnesses called on my husband's behalf and the Turkish witnesses contradicted their true original statements. * * *
>
> My husband was sentenced to 10 months in a vermin-infested, unkempt Turkish prison, with a low class of Turkish criminals. While there he met an American, W. O. Kenneth Roberson, serving a 2-year sentence. I am informed the warrant officer's trial was a disgrace. At present he is allowed no visitors except the chaplain once a week and an occasional Turkish doctor. Warrant Officer Roberson is suffering with tuberculosis.
>
> We haven't had any hope of helping him until we read your article in the New York Times.

Mr. President, for the sake of hurrying on with this matter, I ask unanimous consent that the remainder of these instances, which are in type, be printed in the RECORD at this point as a part of my remarks.

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

DIGEST OF COMMUNICATIONS RECEIVED BY SENATOR BRICKER RELATIVE TO NATO STATUS OF FORCES TREATY

On June 24, 1953, the Senate Foreign Relations Committee held a hearing on Senator BRICKER's proposed reservation to the NATO Status of Forces Treaty. The effect of the reservation would be to retain for United States service courts exclusive criminal jurisdiction over American servicemen and their dependents stationed in the NATO countries and Japan. Article VII of the treaty would subject members of American military forces to trial in foreign courts for nonmilitary offenses.

At the hearing on June 24 Senator BRICKER received permission to submit for the RECORD a digest of letters he had received on this subject. The following list includes only the letters of those who have some firsthand knowledge of American military justice, the criminal law and procedure of foreign countries, or conditions prevailing in countries where American troops are stationed.

Case No. 1, from an American judge in Western Germany:

"I read with interest of your bill to secure the legal rights of United States soldiers and civilians stationed in European countries. You are quite right about it and I am writing you because I thought perhaps I might be of help. * * *

"At any rate, I have had to become familiar with the civil-law theory. It differs from ours in five important particulars: (1) They have an examining magistrate, 'juge d'instruction,' with quasi-inquisitorial powers. (2) No adequate rule of reasonable doubt exists. (3) Hearsay evidence is admitted at the discretion of the trial judge. (4) Their jurors are only assessors sitting with judges and in some cases being in a minority. (5) Release on bail can be and in the majority of cases is denied. As an example: An American citizen, one Bowen, was held recently in jail for 6 months by the German courts for a currency violation. He was only released because I issued a public statement which forced the High Commissioner to act. Subsequently the charges were dismissed."

Case No. 2, from a resident of Ohio:

"I have a sister who is married to a United States naval commander, and they are living in Yokohama. Recently I received a letter from her in which she expressed such appreciation of your efforts in the introduction of the reservation to the 14-nation pact that I thought you might like to know it. * * *

"It is good to know that someone is looking out for us. Knowing what we do, none of us want to come under Japanese police jurisdiction. They haven't forgotten the licking we gave them. With the ill feeling toward us, it is not right to put us under the Jap police."

Case No. 3, from a United States Army officer in Formosa:

"During the years 1946–50 I * * * did all in my power to prevent the acceptance by the Armed Forces of the drafts which contained jurisdiction articles. * * *

"In 1946 a * * * paper on jurisdiction was prepared by a working group of which I was a member. In it the basic policy of the United States on jurisdictional problems was to be stated. In 1949, after 3 years of rather fruitless bickering between the Armed Forces and State, a watered-down policy was finally produced, but it has, as far as I know, never been implemented by the State Department, which has always been quite hostile to the exercise of jurisdiction by the United States Armed Forces in foreign countries."

Case No. 4, from a civilian employee of the United States Air Force in Western Germany:

"I wish to applaud your stand opposing the treaty which would cause American civilians and soldiers to be tried in foreign civil courts and under foreign laws. This would certainly be an unfair and unjust way of handling the matter. Many foreign nations have laws that bear no semblance whatever to the American laws on the same subject. * * *

"I was brought to trial in the HICOG court because of [a traffic] death, under the terms of the German law. Even the prosecuting attorney admitted that under American law I was not at fault. I received a proper trial and was found guilty of 'simple negligence,' whatever that is, and fined. Yet the judge himself, who was an American, stated in his opinion that under German law he had no choice but to find me guilty, even though under American law I would not be guilty. He further stated that he did not know why he was not allowed to try me under American law. * * *

"This is a very bad situation for me, since if the decision of the lower court is not reversed, I will be branded for life with the stigma of a criminal."

Case No. 5, from an Army officer in the Far East:

"Bravo for your strong stand against allowing foreign governments to have criminal jurisdiction over American troops stationed abroad. It would indeed be a sad travesty to deprive American troops overseas of the protection of the Government and Constitution many have given their lives to defend."

Case No. 6, from the wife of an American soldier serving in France:

"After all, our husbands and fathers are not serving overseas by their choice, but by orders and with this bill will be left to the mercy of a foreign court. I am a foreign war bride and have seen how other courts operate. Our soldiers could be very easily rooked into a crime by maybe a communistic or anti-American group and then be tried by a communistic or anti-American-inclined judge. Or soldiers could be ganged up on and then get a trial like Vogeler or Oatis. I think anybody should think twice before voting for such a bill."

Case No. 7, from the legislative chairman of a Reserve officers' association:

"It is hard to believe that anyone who calls himself an American would desire, by treaty, to deprive the military forces of our country, serving in foreign lands for the protection of those same lands, to deprive him of his constitutional rights, when, in fact, we grant those same rights to enemies resident within our own borders."

Case No. 8, from a resident of Cincinnati, Ohio:

"I spent 31 years of my life and money to help bring about an equitable court-martial system for all serving in our Armed Forces. * * * Congress should take immediate action to forbid the further turning over of our

service personnel to foreign nations for trial by backward and even barbaric nations and then pass the Bricker amendment so that the people who are overwhelmingly in favor of it can enact it into our Constitution."

Case No. 9, from a retired brigadier general:

"May I urge your utmost opposition to proposed treaty permitting trial by foreign courts of American military personnel. * * * It is illogical and unreasonable and can only represent another effort to place the rights and lives of American citizens under foreign control. Service personnel have no choice in their foreign assignments but do have an inalienable right to the protection of our Constitution. Is this to be denied them by the Congress of the United States?"

Case No. 10, from a United States Air Force officer stationed in France:

"How long do you think a French judge of a police court would last if he disregarded the testimony of a Communist policeman and accepted the testimony of a GI? It's hard to convince me that all of our top military and naval personnel really believe in this proposed treaty."

Case No. 11, from a service pastor in Europe:

"It is inconceivable that American servicemen would be accorded just and fair trials as we understand these terms in the United States. In spite of the fact that American servicemen have gone thousands of miles from their homes on missions of liberation from tyranny in winning two of the greatest wars in world history, during a period of only 28 years, their overseas friends still think they are overpaid and pampered."

Case No. 12, from the wife of a soldier stationed in Turkey:

"My husband was immediately confined to a Turkish prison to wait his trial. His Army friends retained two Turkish lawyers; however, from the beginning to the end the trial was a great injustice. There were not any witnesses called on my husband's behalf, and the Turkish witnesses contradicted their true original statements. * * *

"My husband was sentenced to 10 months in a vermin-infested, unkempt Turkish prison, with a low class of Turkish criminals. While there he met an American, W. O. Kenneth Roberson, serving a 2-year sentence. I am informed the warrant officer's trial was a disgrace. At present he is allowed no visitors except the chaplain once a week and an occasional Turkish doctor. Warrant officer Roberson is suffering with tuberculosis.

"We haven't had any hope of helping him until we read your article in the New York Times."

Case No. 13, from a dentist residing in Ohio:

"Being a veteran of 6 years in the United States Navy and serving in such places as Morocco, Algeria, Italy, and Great Britain, I shudder to think of the possibility of being tried, convicted and imprisoned in any of those lands."

Case No. 14, from a member of the American Legion:

"On Monday, June 15, the 300 members of Logan Square Post, No. 405, the American Legion, Department of Illinois, in regular meeting at Chicago, unanimously adopted a resolution which I prepared, endorsing and approving your pending amendment providing for trial of all members of our armed forces in foreign countries by United States courts and under United States constitutional safeguards.

"Last night, on my motion, unanimous concurrence to that resolution was voted by the 42 posts and 9,600 members of the ninth district of this department."

Case No. 15, from a Tennessee lawyer:

"I have had personal experience with the prosecution of American soldiers in foreign civil courts, while serving in the United States Army. During the recent war, I served for approximately 2½ years [in] Newfoundland. * * *

"Repeatedly the Newfoundland police authorities made arrests of military personnel for nonmilitary offenses, such as assault and battery on civilians, public drunkenness, petty larceny, et cetera, which offenses were committed outside of the military base. The arrested soldier was confined in a local jail, and thereafter brought before a local court for trial.

"An effort was made to secure a release of the arrested personnel for subsequent trial by military court-maritial, which effort resulted in an agreement, difficult to operate, whereby on occasions the arrested soldier would be handed over to the military authorities, for court-martial action. However, the Newfoundland Government reserved unto itself the right to determine when and if this should be done. This resulted in great confusion and embarrassment.

"A review of international law will disclose that, throughout recorded history, a host country has accorded a friendly nation, stationing troops by consent within the host country borders, the right to discipline these troops. This right, we voluntarily surrendered when the bases agreement was executed. May I assure you that, in my opinion, such a surrender is attended by inherent difficulties of the greatest magnitude.

"I commend you for your opposition to a proposed similar surrender of disciplinary power to NATO nations."

Case No. 16, from a United States Army officer:

"I heartily agree with your important distinction between American citizens who go abroad voluntarily for reasons of business or pleasure, and a member of the military, or his dependents, who are stationed abroad by virtue of military orders. Certainly those in the latter category are entitled to the full protection and safeguards granted them under our Constitution—particularly when the systems of jurisprudence, as practiced in these foreign countries, are so diametrically opposed to ours.

"Having just returned from an overseas tour involving 19 months on Guam, 5 months in the Philippine Islands and 15 months in Japan; as well as 18 months in Europe during World War II; I have had ample opportunity to observe jurisprudence under these several foreign governments. As an individual, I am certainly loathe to submit American citizens to the jurisdiction of these foreign courts where rights guaranteed under the Constitution would never be considered.

"Protection is, of course, provided for the State Department personnel through diplomatic or consular immunity from trial by a foreign state; however, in the negotiation of these treaties this important right should definitely be kept in mind for all loyal servants of the American people."

Case No. 17, from the wife of an American soldier stationed in French Morocco:

"The French Government both in France and in French Morocco, where I have spent over 2 years with my husband who is in the military service, discriminated against Americans both individually and collectively in every possible manner. * * *

"It is a matter of record that French courts invariably assess maximum fines and punishments against Americans. * * *

"Since American military have no choice but to go where they are sent they certainly deserve protection from the prejudice and discrimination that is present on every hand in France and French Morocco."

Case No. 18, from the wife of an American soldier stationed in France:

"It is with great apprehension that I write this letter as my husband is stationed in France and I will be joining him within the next 3 months. He informs me that our soldiers are being jailed, held without notifying our authority, tried and convicted by the French and Communist elements. He says further that the town nearest his post is 50 percent Communist and that there are signs up all over the place which say, 'United States go home.' * * *

"My husband's brother gave his life in Korea in October 1951 for this cause—now, do not tell me that my husband faces a fate worse than death by being subject to the above odious situation for the next 3 years. I implore you to get this proposal adopted at once."

Case No. 19, from a sergeant in the United States Air Force stationed in Japan:

"I, a serviceman, am certainly opposed to having my constitutional rights bartered away by any person, and furthermore I do not believe that any official has the authority to do it. * * *

"The greatest majority of us are serving in foreign lands because our Government saw fit to send us there, not because we wanted to leave our own country; therefore, I feel that we are entitled to retain our rights and the protection guaranteed by our Constitution."

Case No. 20, from a United States Army officer stationed in Japan:

"I note with a great deal of concern the efforts of some person or persons to subject the American soldier, his wife and children, as well as all those come under the heading of 'civilian component' to the civil laws of the NATO countries. Not that I don't think that the laws of any country, where such laws reflect the will of the inhabitants thereof, should not be respected and obeyed to the letter, but being here in Japan with my family and with the possibility that they and myself, as well as other Americans serving here, might soon be in effect left without the protection of the rights guaranteed under the maxim 'The Constitution follows the flag.'"

Case No. 21, from an American Legion post in French Morocco:

"We respectfully suggest that the investigation include a tabular comparison of judicial action by French courts in trying United States naval base personnel at Port Lyautey, Morocco, with action on cases involving French service personnel and French civilians. * * *

"We believe such statistics would be a significant commentary on the system under consideration, in action, and would indicate among other things that many more French than American military cases are remanded to commanding officers. * * *

"Despite the status quo agreement, France began to try United States Navy personnel. Kenneth Griffin, ship-service man, second class, was sentenced to prison by a French court, for an offense committed while the status quo was in force.

"The French claim that an arrangement made in connection with the granting of new bases gave them jurisdiction over this personnel. However, the arrangement was prior to, and the assumption of jurisdiction was after, the status quo agreement was entered into. Furthermore, at that time, the United States was contending that, under treaties, American citizens were not subject to trial by French or Moroccan courts.

"This squarely brings up a question in which this post is vitally interested. May the Executive make arrangements which deprive citizens of specific important rights guaranteed by treaty? * * *

"Reverting to Griffin—his sentence was increased from 10 months to 16 months by the appeal court reviewing his case. Trials here do not have juries as we know them, nor do officials respect certain other constitutional safeguards which we are guaranteed."

Case No. 22, from the wife of an American citizen living in French Morocco:

"We all hope that if and when the treaty is signed it will contain the proviso, and

that our thousands of military personnel in Morocco will not become a focal point for the hostility directed toward Americans by the French colonial administration there. This resentment is becoming more open since our consulate states that we have no effective means of opposing French action."

Mr. BRICKER. Mr. President, there are two more letters which I wish to present. One comes from the neighboring State of Virginia, from a former resident of Ohio, which reads as follows:

JULY 8, 1953.

Senator JOHN W. BRICKER,
Washington, D. C.

DEAR SENATOR BRICKER: As a former resident of Ohio and faculty member of Ohio University, I am writing to express my approval of your efforts to restrict the proposed treaty under which Americans in NATO may be tried in European courts.

I have recently returned from several months in England, where I taught on our United States Air Force bases in connection with the University of Maryland overseas program. While there I observed much anti-United States sentiment and resentment against the presence of our troops. There is good reason to believe that if our GI's came under the jurisdiction of British courts, they would be discriminated against and would be used as a target for the ill feeling toward the United States over there. Despite the reputed impartiality of British justice, community sentiment in Britain would be strong for harsh penalties against American violators of British law. A combination of complex economic, political, and psychological factors arising from the changed power relationships of the two countries enters into this situation. As a sociologist it is my belief that the present arrangement, in which our troops are under the jurisdiction of United States courts-martial, is much more preferable to the proposed plan.

I might add that these remarks are not in any way prompted by anti-British feeling. I was in fact born in England and lived there for many years before becoming an American citizen.

The second letter comes from Lakewood, Ohio, and reads as follows:

JULY 9, 1953.

Hon. JOHN W. BRICKER,
United States Senate,
Washington, D. C.

SIR: Please accept my sincere congratulations for the position you have taken regarding the pending NATO protocols, in connection with trial jurisdiction over United States military personnel.

It is indeed ironic that some of our leaders are indifferent to those basic rights guaranteed by our Constitution—the very people who have sworn solemnly to defend that Constitution are in danger of being deprived of its protection. I and many with which I have spoken are grateful that we are represented by you, with your courage and insistence upon the American way for Americans everywhere.

Please insist that United States Armed Forces personnel stationed abroad be assured the full protection of the Constitution in juridical matters. No expediency, NATO or otherwise, can possibly justify any other course.

I desire to discuss, Mr. President, criminal jurisdiction in general.

CRIMINAL JURISDICTION IN GENERAL

Anglo-American criminal law is rooted in the principle that the accused may be tried only by his fellow citizens and only by those citizens who reside near the scene of the alleged crime. Here we are concerned with the rights of Americans in a military rather than a civilian community. In essence, however, the same principle is involved. Shall Americans subject to the jurisdiction of the United States be tried by other Americans who live in the vicinity of the scene of the alleged crime?

The first affirmative answer to that question was supplied by the Declaration of Independence. George III was castigated "for transporting us beyond seas to be tried for pretended offenses." Then came the Bill of Rights with the sixth amendment providing for trial in "the State and district wherein the crime shall have been committed."

All efforts to weaken the spirit of the sixth amendment have so far been frustrated. For example, in 1909 newspaper editors in Indianapolis were indicted on a charge of criminal libel. Federal officers attempted to have the editors removed to Washington, D. C., for trial because several newspapers had circulated there. In denying the application for removal, here is what the United States district court said:

> To my mind that man has read the history of our institutions to little purpose who does not look with grave apprehensions upon the possibility of the success of a proceeding such as this. * * * If the prosecuting officers have the right to select the tribunal. * * * If the Government has that power, and can drag citizens from distant States to the Capital of the Nation, there to be tried, then, as Judge Cooley says, this is a strange result of a revolution where one of the grievances complained of was the assertion of the right to send parties abroad for trial. (*United States* v. *Smith*, 173 Fed. 227.)

Since it was improper to remove those Indiana editors to the capital of their own country for trial, by what strange logic is it deemed proper to remove American soldiers from the Armed Forces for trial in Paris, Istanbul, or Tokyo?

This incredible proposal is merely one of many recent assaults on the basic attributes of national sovereignty. Since national criminal jurisdiction is one of those primary attributes, it has been a special object of attack. Some fuzzy-minded internationalists want the United States to ratify the United Nations draft statute for an International Criminal Court. That proposed treaty would permit Americans to be tried anywhere in the world by an international tribunal for certain international crimes not yet defined. A comparison of that treaty with the NATO Status of Forces Treaty discloses the following points of similarity:

First, the President of the United States cannot exercise his right to pardon; second, right to a public trial is not guaranteed; third, no prohibition against cruel and unusual punishment before or after trial; fourth, no prohibition against a demand for excessive bail; fifth, no presumption of innocence; sixth, no guaranty of conviction only on proof of guilt beyond a reasonable doubt; seventh, possibility of conviction by mere majority vote; and eighth, possibility of conviction by the vote of a Communist judge.

In one respect the United Nations draft statute for an International Criminal Court is better. Unlike the NATO Status of Forces Treaty, it recognizes the privilege against self-incrimination.

If it is proper to remove American servicemen from the jurisdiction of the armed forces, then it is equally proper to surrender jurisdiction over American civilians to an international criminal court. The principle at stake is the same. In both cases, Americans, because of the action of their own Government, would be deprived of the right to be tried in accordance with American law, civil in one case and military in the other.

This introduction explains why the applicable rule of international law is so vitally important, even though everyone agrees that the rule of international law, whatever it may be, can be altered by treaty. Under my interpretation of international law, American troops stationed abroad at the invitation of the host country enjoy immunity from criminal prosecution in local foreign courts. Therefore, the pending treaty surrenders rights to which Americans would be otherwise entitled.

Proponents of the treaty insist that troops stationed in a friendly foreign country have no immunity from criminal prosecution in the absence of treaty. From this interpretation of international law, it follows that the pending treaty does not involve any surrender of jurisdiction. It is a view of international law that places an American boy, drafted in the Army and sent overseas to defend foreign soil, in exactly the same position as an American civilian who goes abroad for reasons of business or pleasure.

I sincerely doubt that the administration realizes the frightening implications flowing from its view of international law. American armed forces are stationed in many countries with which no binding agreement exists relative to their status. If the view of the administration and of other proponents of the treaty is correct, those nations can treat American troops in any way they see fit, and the United States is powerless to invoke any rule of international law for their protection. And if the administration is right, any 1 of the 13 NATO countries that refuses to ratify the pending treaty would have a perfect right under international law to treat them even worse than the proposed treaty law would allow.

Fortunately, international law does not callously disregard the rights of troops stationed in a friendly foreign country or the respect due the sovereign nation they represent. It is most regrettable that the NATO Status of Forces Treaty is not frankly presented as an exception to the traditional rule of international law. By virtue of the argument presented by the administration on this treaty, every nation in the world where American troops are, or may be, stationed can claim absolute power to punish them for alleged offenses, or for real offenses, too. Having abandoned the rule of law on which the United States has always insisted, it will be difficult if not impossible, to invoke it in the future to prevent injustice.

Unquestionably, rules of international law may be waived or modified by treaty. The proposed treaty can hardly be described as an intelligent waiver, because

some of its negotiators and defenders have no apparent knowledge of the international law proposed to be set aside. Others seem bent on destroying the traditional rule of international law on the theory that we must never stand up for American rights, that we must always yield to the demands of our allies, or that appeasement is cooperation. Their obvious purpose in abandoning the traditional rule of international law is to prove that the proposed treaty gives away no rights.

THE GENERALLY ACCEPTED RULE OF INTERNATIONAL LAW

The generally accepted rule of international law is explained in the article by Col. Archibald King, beginning on page 539, volume 40, of the American Journal of International Law. That article is reprinted in the CONGRESSIONAL RECORD for May 7, 1953, and in the hearings before the Senate Foreign Relations Committee. A subsequent article on this subject by Colonel King may be found in the April 1946 issue of the American Journal of International Law. I ask unanimous consent that this later article by Colonel King be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BRICKER. Mr. President, the two King articles show a substantial unanimity of opinion among judges, international lawyers, and international agreements dealing with the subject. With rare exceptions, it has been recognized that the invitation of the host country for a foreign force to enter its territory carries with it immunity of visiting forces personnel from the jurisdiction of local courts.

Chief Justice John Marshall gave this doctrine of implied immunity its most authoritative expression in *The Schooner Exchange* v. *McFaddon* (7 Cr. 116). That case involved a libel in admiralty against a French vessel present in Philadelphia with the implied consent of the United States. The essence of the decision is that any armed force, land as well as naval, enjoys an extraterritorial status when it enters the territory of another nation with the latter's consent. As late as 1939, the highest court of the British Empire called John Marshall's opinion "a judgment which has illumined the jurisprudence of the world"—*Chung Chi Cheung* v. *The King* (1939 A. C. 160, 168).

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

Mr. BRICKER. I yield.

Mr. SALTONSTALL. The Senator has quoted from Chief Justice Marshall's opinion. I wish to ask the Senator from Ohio the same question I asked the Senator from Nevada [Mr. MCCARRAN].

On page 135 of the United States Reports 11, Chief Justice Marshall begins his opinion as follows:

> The jurisdiction of courts is a branch of that which is possessed by the Nation as an independent sovereign power.

Then I skip to the following:

> All exceptions, therefore, to the full and complete power of a nation within its own territories, must be traced up to the consent of the nation itself. They can flow from no other legitimate source.

Is not that carried out in the article which my distinguished colleague has quoted? I quote from the article by Archibald King:

> The theory of Chief Justice Marshall's opinion in the case of the *Exchange* and of the other authorities quoted, is that there is an agreement between the host nation B, and nation A, implied from B's consent for A's troops to enter B's territory, that those troops while in B shall be under the exclusive jurisdiction of their own military courts. It is, however, clearly permissible, and in many cases highly desirable, to have an express agreement on the subject, rather than for the matter to be left to implication.

That is what we are trying to do by these treaties, is it not? My question is, Does Chief Justice Marshall's opinion rest on the consent of the sovereign nations?

Mr. BRICKER. It rests on the implied consent of the country to which the troops are going. I have never contended for a moment that we cannot change that rule by treaty. That is what it is proposed to do. That is what we shall do if we do not adopt my reservation. We shall change the rule as to the implied consent of those countries, and we shall also change 150 years of traditional international law, as adopted, applied, and understood by the courts of our country. We can change that implied agreement by treaty at any time.

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

Mr. BRICKER. I yield.

Mr. COOPER. I should like to ask the distinguished Senator from Ohio a question. It seems to me that there are two points at issue. The first goes simply to the question of whether the treaty is a wise agreement, whether or not it gives the best protection under all the circumstances to American soldiers and interests. The first issue bears simply upon the content of the agreement itself and its terms. I certainly concede that there can be disagreement over the terms of the treaty. The second issue is the important one, and that is whether under international law, we have the right of jurisdiction over our troops if they should commit violations against the nationals or property of a foreign state.

Is it the Senator's contention that it is not necessary to negotiate agreement, and that our jurisdiction continues on foreign soil, as it does upon soil of the United States? The contention of the Senator is the familiar question that has been argued—Does the Constitution follow our troops and flag?

Mr. BRICKER. There is no question in my mind about that. It should. It has. It does, except in the case of a treaty which provides to the contrary.

Mr. COOPER. As I stated at the beginning, there can be disagreement about the terms of the treaty. But I believe the contention of the distinguished Senator from Ohio that our sovereignty and jurisdiction, with respect to our troops, are as complete in France or Germany or England as they are here is an incorrect one.

Mr. BRICKER. They should be, in my judgment, because we are there by invitation.

Mr. COOPER. Is it the contention of the Senator that the same rule prevails when our troops are in foreign countries in peacetime as when there in wartime?

Mr. BRICKER. I do not see any reason for it. Undoubtedly this is a sovereign nation in peace as well as in war, and we ought to have the same protection of our nationals, wherever they may be, particularly if they are there against their will, as is the case with many of them who are sent abroad.

Mr. COOPER. It seems to me that it would be rather difficult for us to say that we will exercise our sovereignty and jurisdiction in the United States which we do, over foreign nationals and over foreign troops who may be on our soil, and yet take the contradictory position, that we have full jurisdiction over our troops in other countries, if they commit violations against their person or property.

Mr. BRICKER. I remind the Senator that that is not the position which the Senator from Ohio has taken. If the Senator will read the reservation which I have submitted, he will see that that is not the position of the Senator from Ohio at all. I think there should be reciprocity. I know of no reason why there should not be reciprocity. In fact, at the present time there is no reason for reciprocity, because there is no organized force of any of those countries in the United States.

Mr. COOPER. I have listened to this argument with a great deal of interest. As I have said, I can see that there might be disagreement as to whether or not this treaty was negotiated in a way which each one of us might approve; while I would like it to be different I have been unable to find any authority, other than in time of war, or in an occupied country, or by agreement for the proposition that under international law we have continuing jurisdiction over our troops for crimes committed against the nationals of the country in which our troops are stationed.

Mr. BRICKER. I submit to the Senator from Kentucky that there have been 150 years of international law, as recognized in this country and as recognized by England as recently as 1939, according to the statement which I made a moment ago. I do not think there has been any variation from that principle except in one small instance, and that was accomplished by executive agreement, when the President of the United States negotiated an exchange of bases for destroyers. Jurisdiction over our Armed Forces in those bases was left with the other country. That was done by executive agreement. I think that is the only instance that can be found of variance from the principle of international law.

Mr. COOPER. Is it not a fact that agreements have been negotiated throughout the years fixing the status of our troops in foreign lands; and is not that proof in itself that agreements are necessary to modify the fixed rule of international law? Each country is sovereign within its own boundaries. What is the necessity of negotiating an agreement at all if it is not a rule of international law that each country is sov-

ereign within its own boundaries and in circumstances such as this treaty comprehends, has jurisdiction over foreign nationals who commit violations against it?

Mr. BRICKER. All the agreements until this recent episode have affirmed the traditional international law. This is the first time we have been confronted with any attempt to change the traditional international law, of which this country has been a proponent throughout its whole national life, until the proposal which is now before the Senate.

If the Senator wishes to know whether we can change the rule by treaty, there is no question about it, in the judgment of the Senator from Ohio. We can, by treaty, change the traditional principle. But the mere fact that we have acceded to the desires of nations where our troops are stationed is not proof to me that it ought to be done.

Mr. COOPER. I know that by agreement the rule as to jurisdiction can be fixed; but the contradiction of the argument of my good friend from Ohio is that he argues as a rule of international law that our jurisdiction as a sovereign state pursues our troops into a foreign land, and at the same time admits the necessity for agreements.

Mr. BRICKER. That is exactly true. That is my position. It is my position that there ought to be no agreement, so far as the status of our armed forces in foreign countries is concerned. That is exactly the point of my reservation. It would leave international law as it always has been.

Mr. COOPER. Then the Senator relies upon the proposition that, as a sovereign country, our jurisdiction follows the flag and protects and gives to the American soldier every right that he has here in the United States.

Mr. BRICKER. Under the Constitution.

Mr. COOPER. As against the sovereign power of another state in its own territory?

Mr. BRICKER. Absolutely, when we are there at their invitation.

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

Mr. BRICKER. I yield.

Mr. SALTONSTALL. I should like to ask a question along the line of the colloquy between the Senator from Ohio and the Senator from Kentucky.

The Senator from Ohio has stated that this is the first exception to the established rule of international law.

Mr. BRICKER. With the exception of the case of the bases, which I mentioned a moment ago.

Mr. SALTONSTALL. Is it not true that this is the first time our troops have been in a foreign country at a time when they have not been there at war, as in 1914 and 1941, or when they have not been protecting certain areas, as in the case of the Philippines and Puerto Rico? In the present instance we are confronted for the first time with a new status, a new set of facts. Our troops are not there as protectors, and they are not there to fight. That is the reason, as I see it, why these treaties are necessary to provide for the giving of express consent, because the implied consent under international law, which the distinguished Senator from Ohio has mentioned, is certainly lacking when other countries refuse to allow us to exercise completely exclusive jurisdiction and require a written agreement setting forth the circumstances under which they will recognize our jurisdiction.

Mr. BRICKER. Of course, if there had been any thought of depriving of their constitutional rights American soldiers, who would be taken away from their homes and sent, against their will, perhaps, to foreign countries, that question should have been thrashed out before the troops were sent into the foreign lands.

Mr. SALTONSTALL. Certainly we do not want to have our boys lose their constitutional rights. But, if they are a part of our forces in a foreign country, does not the Senator agree that we must determine and provide those rights by express agreements?

Mr. BRICKER. But the treaties give those rights away. They fail to protect the rights of American soldiers stationed on foreign soil.

Mr. SALTONSTALL. I respectfully say that is where we might disagree.

Mr. BRICKER. I have delineated, as has the Senator from Nevada [Mr. McCARRAN], the many respects in which the rights of American soldiers are not protected under the treaty.

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

Mr. BRICKER. I yield.

Mr. LONG. Are we to understand that the treaty makes American boys who are sent overseas subject to the laws of the foreign country?

Mr. BRICKER. The Senator is correct.

Mr. LONG. For a violation of law those boys can be tried in foreign courts by foreign judges, and with foreign attorneys representing them?

Mr. BRICKER. That is correct.

Mr. LONG. Notwithstanding the protection they have always had prior to that time?

Mr. BRICKER. That is correct.

Mr. LONG. They lose those rights without their consent when they are sent overseas?

Mr. BRICKER. Yes, if the treaty is ratified.

Marshall's opinion was three times reaffirmed by the Supreme Court, at least by way of dictum—*Coleman* v. *Tennessee* (97 U. S. 509), *Dow* v. *Johnson* (100 U. S. 158), *Tucker* v. *Alexandroff* (183 U. S. 424). In Coleman against Tennessee, for example, the Court said:

> It is well settled that a foreign army permitted to march through a friendly country, or to be stationed in it, by permission of its government or sovereign, is exempt from the civil and criminal jurisdiction of the place (p. 515).

Among the writers on international law, John Bassett Moore called the schooner *Exchange* Marshall's greatest opinion in the field of international law. And, Dr. Charles Cheney Hyde said:

> Strong grounds of convenience and necessity prevent the exercise of jurisdiction over a foreign organized military force which, with the consent of the territorial sovereign, enters its domain. Members of the force who there commit offenses are dealt with by the military or other authorities of the state to whose service they belong, unless the offenders are voluntarily given up. (Hyde, 1 International Law, sec. 247.)

Mr. WILEY. Mr. President, will the Senator yield for a question?

Mr. BRICKER. I yield for a question.

Mr. WILEY. Is it not correct to say that the Marshall opinion refers only to foreign troops in transit, not to troops stationed in the territory?

Mr. BRICKER. I did not understand the question.

Mr. WILEY. Does not the opinion of Chief Justice Marshall refer only to troops in transit, going through a country or marching through a country?

Mr. BRICKER. Chief Justice Marshall's opinion made reference to troops on a ship which was libeled. It was not going through a country, of course. It was stationed in the harbor of Philadelphia. The troops were not marching anywhere. They were not moving at the time the libel was applied.

Mr. WILEY. I ask whether at any time Chief Justice Marshall in his opinion refers to any troops but troops in transit.

Mr. BRICKER. His decision was with regard to foreign troops on foreign soil. The opinion states:

> Strong grounds of convenience and necessity prevent the exercise of jurisdiction over a foreign organized military force, which, with the consent of the territorial sovereign, enters its domain.

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

Mr. BRICKER. I yield.

Mr. WILEY. I wonder whether in his brief the Senator from Ohio cited the opinion of Justice Jordan in the Australia case of Wright against Cantrell, in which the Justice stated the following with reference to the Marshall decision that—

> What the learned judge—

Referring to Marshall—

> had in mind was exercise of jurisdiction which would prevent the troops from acting as a force—something analogous to preventing a ship of war from being in a position to act as such, including interference by local courts, with the maintenance of discipline—not exercise of jurisdiction over individual soldiers in respect of liabilities incurred or wrongs done perhaps out of all connection with their military duties.

Has the Senator included that opinion in his brief?

Mr. BRICKER. No; I have not followed all the Australian and New Zealand cases as carefully as I should like to do, if I had the time for the research. However, I have read and I do understand the decisions of the courts of my own country.

Mr. WILEY. The Senator from Ohio is a good lawyer. When an opinion is rendered, the opinion, of course, is only law as it is applicable to the facts. If it is not applicable to the facts then it is mere dictum. For instance, of the cases that have been cited, Coleman against Tennessee, Dow against Johnson, and Tucker against Alexandroff, the first two cases involved rights of military authorities in occupation of an enemy territory during belligerency, and therefore

have no relevancy to the question under consideration here. The Alexandroff case dealt with the question of whether a member of a visiting force in the United States of America could be arrested by the local authorities, not for an offense under local law, but in response to a request for his arrest from authorities of his own government.

Mr. BRICKER. I should like to call the attention of the chairman of the committee, the Senator from Wisconsin, to the fact that the troops were not in transit at the time of the libel. Likewise, the decisions in Coleman against Tennessee, Dow against Johnson, and Tucker against Alexandroff are not dicta.

Mr. WILEY. Is it not correct to say that in those cases the military authorities were in occupation of enemy territory during belligerency? Those are the basic facts. It was during belligerency, during war. We are in occupation during peace.

Mr. BRICKER. That was not the situation in the original case.

British forces stationed in France during World War I, in Egypt and Iraq during peacetime, and in the United States during World War II enjoyed immunity from local criminal prosecution. A memorandum recently prepared by the Department of Justice attempts to prove that there is no substantial support for the rule that friendly foreign forces are immune from the criminal jurisdiction of the host state. It cites the denial of immunity by Great Britain to the forces of Czechoslovakia, France, Norway, the Netherlands, and Belgium. Significantly, all these governments were in exile and unable to protest effectively the British denial of immunity. However, in 1940 the Attorney General of England said in the House of Commons:

> When we have our forces in foreign territory [we] ask for, and always get, complete permission to apply our own military code.

With a single exception, no American soldier or sailor was ever tried by a French or British court during either World War I or II. The lone exception concerned a codefendant in a murder charge who was turned over to the British, so that he could be tried with his civilian accomplice. In addition, the United States demanded and received complete immunity for its forces stationed in World War II in New Zealand, Australia, India, China, and Canada. When the British Government attempted to deny American military service courts jurisdiction over cases of treason and several other grave offenses, our State Department replied that the proposal contained "conditions which would create a very dangerous situation as regards the forces of this Government in British territory," and "would involve the lack of proper recognition of the character and competency of the existing American military tribunals."

Unlike the British, we have not attempted to assert jurisdiction over friendly foreign forces here and at the same time to insist on retaining jurisdiction over our military forces stationed abroad. For example, when China recognized the immunity of American military personnel from local criminal prosecution, the United States offered reciprocal treatment to Chinese forces stationed here.

The Department of Justice memorandum erroneously cites *United States* v. *Thierichens* (243 Fed. 419 (E. D. Pa. 1917)) for the proposition that—

> The rule of absolute immunity • • • was summarily rejected in the only reported American case which research has disclosed was squarely concerned with such a claim of immunity.

Mr. President, I am a little surprised that the chief law-enforcement officer of the United States would submit either that statement or the case to which he refers as a precedent, because in that case the master of a German war vessel interned in Philadelphia was indicted for smuggling and for violating the Mann Act. He claimed immunity from local criminal prosecution. The United States had used every diplomatic power at its command to keep the German war vessel from entering one of our ports. The United States had ordered the ship to leave Philadelphia. The master refused to leave, for fear that his vessel would be sunk by the British. So the Thierichens case actually involved a member of a foreign force who was stationed here against our wishes. No wonder the court summarily denied the claim of immunity, stating "even a discussion of the application of the rule would be lending dignity to an absurdity." It is incomprehensible to me how that case can be cited as a precedent for the legal status of foreign forces invited to come into the receiving country.

The most glaring errors in the Department of Justice memorandum concern the Service Courts of Friendly Foreign Forces Act of 1944—Fifty-eighth Statutes, at page 643; Twenty-second United States Code, section 701. That act is interpreted in the memorandum of the Attorney General. A most exhaustive research job was done; they found cases from almost every country in the world, big or little, but they failed to find proper cases in the law of the United States. Instead, they cited the Thierichens case as justification for their conclusion. As I said, that act is interpreted in the memorandum, which reads in part as follows:

> It is uniquely revealing as to the refusal of Congress to recognize any rule of absolute immunity to be accorded to friendly foreign forces from the criminal jurisdiction of our courts.

As a matter of fact, the Service Courts of Friendly Foreign Forces Act is based on John Marshall's opinion in the schooner *Exchange*. The act was entitled "An act to implement the jurisdiction of service courts of friendly foreign forces within the United States." The jurisdiction of foreign military tribunals in the United States during World War II was not granted by statute or agreement. Yet their jurisdiction under the rule of the schooner *Exchange* was implemented and made more effective by the Congress.

The Department of Justice memorandum concludes with the statement that "Congress, in the Friendly Service Courts Act of 1944, unequivocally rejected" any principle of international law that visiting foreign forces are immune from local criminal jurisdiction. That statement is 100 percent wrong. As pointed out by Colonel King in his April 1946 article:

> There have been occasional cases in which members of friendly foreign forces have been arrested by local police and brought before State or municipal courts. Probably some such cases have gone to trial without the question of immunity being raised. When such claim has been made by the representatives of the nation which the arrested person served, the officers of the Federal Government have made appropriate representations to the State's attorney, the court, or the governor of the State, and in every such case the accused person has been turned over to his own forces with a view to trial by court martial (p. 277).

After passage of the Friendly Service Courts Act of 1944, the War Department, over the signature of Gen. George C. Marshall, issued memorandum No. 650–45 of February 19, 1945. Section 2 provided as follows:

> 2. The right of a visiting foreign force to try, by its own courts martial, members of its armed service stems from general principles of international law as laid by the Supreme Court of the United States in *Schooner Exchange* v. *McFaddon* (7 Cr. 116). When the United States consents to the stationing of armed forces of another nation within its territory, it by implication gives its consent to trial of members of those forces by courts martial of their services within the territory of the United States.

That memorandum came from Gen. George C. Marshall as late as 1945.

Mr. KNOWLAND. Mr. President, will the Senator from Ohio yield at this point?

Mr. BRICKER. I yield.

Mr. KNOWLAND. Let me call attention first to the supplementary hearing before the Senate Committee on Foreign Relations, 83d Congress, 1st session, on the Status of Forces of the North Atlantic Treaty.

I should like to read from page 46, where there is a discussion of the Service Courts of Friendly Foreign Forces Acts, as it was applied in that particular period. I read now from page 46 of the supplementary hearing:

> This act was designed to reciprocate for the grant of jurisdiction to American military courts over American forces in Great Britain given by that country in its United States of America (Visiting Forces) Act, 1942. Both the House and Senate Committee Reports contain the notes exchanged between the United States and British Government, wherein the British Government terms its own action—granting the exclusive jurisdiction—"a very considerable departure • • • from the traditional system and practice of the United Kingdom." The Senate Committee Report contains the statements that the proposed legislation—"is of a temporary and conditional nature since its operation is revocable at the pleasure of the President as agent of Congress, under section 6. This is an important feature of the bill. At any rate, Congress is at liberty to repeal or amend at any time.
>
> "The committee do not concede that any foreign military court has more than conditional jurisdiction while on our soil."
>
> During the course of the debate in the Senate, Senator Revercomb maintained that the pending bill was not clear as to the jurisdiction which the foreign service courts would have and that the bill should be amended to define that jurisdiction more clearly. He stated that that bill was not properly reciprocal to the British legislation, which had granted exclusive jurisdiction to

the American service courts in Great Britain. In reply, Senators Murdock and McFarland, who were in charge of the bill, stated flatly that the Senate committee had considered and rejected the proposal that United States courts be divested of jurisdiction. Senator Murdock stated:

"I ask the Senator whether he wants to prohibit the jurisdiction of the Federal courts and the jurisdiction of the State courts, as the parliamentary act prohibits the jurisdiction of the criminal courts in England. If he wants to go that far, I think he should tell the Senate. That is one of the questions, as the Senator recalls, which came before the Committee on the Judiciary. By a majority vote it was decided, I think rather emphatically, that we did not want to prohibit jurisdiction on the part of our courts, but that all we wanted to do was to implement whatever jurisdiction the foreign service courts brought with them to this country, first, by power of arrest; second, by power of dealing with witnesses, and stop there."

So certainly the Senate and its Judiciary Committee were very clearly of the opinion that they did not want in this country to surrender the jurisdiction of the State courts or the Federal courts in the case of crimes which might be committed by foreign troops stationed in the United States under the agreement.

Mr. BRICKER. But they did so under the order of General Marshall to which I have just referred. He based it upon the law of the land and the decisions of the courts, going back to the schooner *Exchange* case.

At this point I should like to read a statement from the supplementary hearing:

It is true that an amendment by Senator Revercomb expressly recognizing the exclusive jurisdiction of friendly foreign service courts was rejected.

The Senator from California will remember that very well, I am sure.

I read further:

However, the debate in the Senate shows that some Senators felt that the Revercomb amendment was unnecessary because merely declaratory of existing law. Senator Connally said, for example:

"Mr. President, is not the whole question one of permission to the foreign force to be here? We can exclude them if we desire to do so, but does not our consent to their being here carry with it incidentals, and is not one of those incidentals that the force may exercise its discipline and its control, and punish infractions on the part of its members? That being the case, why is it necessary for us specifically to provide that they can exercise their jurisdiction here? It goes back to the fundamental question of whether we shall let them be here at all. We do not have to admit them. If we permit foreign troops and foreign naval officers and naval organizations to be within the United States, the implication and the natural inference is that they can exercise their normal functions. The purpose of the bill is simply to cooperate with those functions by permitting, with our consent, of course, the summoning of civilian witnesses to attend the sessions of their service courts. As I understand, that has to be done by permission. So, in view of his erudition and attainments, I cannot understand the Senator's anxiety about this matter. I really do not see why it is necessary at all to do what he suggests." (CONGRESSIONAL RECORD, volume 90, part 5, p. 6497.)

That was the explanation by Senator Connally upon the floor, and I think that was the basis of the vote upon the amendment.

The reservation I have proposed would continue the practice in effect in the United States during World War II. It would not divest Federal and State courts of jurisdiction, because those courts have only such jurisdiction over friendly foreign forces as the visiting sovereign may choose to yield. Contrary to representations made at the hearings on the treaty, there are no organized military forces of other NATO countries in the United States at the present time.

REASONS FOR RETAINING THE TRADITIONAL RULE OF INTERNATIONAL LAW

To repeat, everyone agrees that the generally accepted rule of international law can be changed by treaty. The question is whether or not any change is desirable. In my judgment, the wisdom underlying the generally accepted rule is more evident today than it was in John Marshall's time.

At this point, it will be assumed for purposes of argument that article VII of the NATO Status of Forces Treaty guarantees the accused the minimum essentials of due process of law. Even under that assumption, there are at least three reasons for continuing to recognize the immunity of friendly foreign forces from criminal prosecution in local courts.

The first reason relates to military necessity. Chief Justice Marshall recognized in the schooner *Exchange* this possible result of the host country exercise of criminal jurisdiction:

A portion of the military force of a foreign force of a foreign independent nation would be diverted from those national objects and duties to which it was applicable, and would be withdrawn from the control of the sovereign whose power and whose safety might greatly depend on retaining the exclusive command and disposition of this force.

Curiously enough, the force of this argument is reflected in the treaty provision making the criminal-jurisdiction article subject to revocation on 60 days' notice in the event of hostilities. The reason, of course, is that no military commander wants to fight with key personnel beyond his control. We should remember the adage that begins, "For want of a nail, the shoe was lost; for want of a shoe, the horse was lost," and ends with the loss of a battle. If the local police can deprive an army of its men, it can also make officers, and even the field commander himself, unavailable for action in an emergency.

Exclusive criminal jurisdiction is just as vital in peace as in war. Defensive and counterattack measures may have to be launched in a matter of minutes. The "front" of modern war reaches over continents. Every American serviceman abroad has a battle station. All of them should be available for instant combat duty at the call of their commanding officer.

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

Mr. BRICKER. I yield to the Senator from California.

Mr. KNOWLAND. Would the Senator not think it reasonable to assume that in the military situation to which the Senator has referred the Supreme Commander of our forces in Europe would be mindful of the responsibilities of his command? I think the Senator might be interested in the message from General Ridgway, the then commander—General Gruenther being the commander at the present time—in which he said:

From the viewpoint of the Supreme Allied Commander in the area and as the Commander in Chief of the United States forces in Europe, I cannot stress too strongly the necessity of favorable action by the Senate at this session on the NATO Status of Forces Agreement and the headquarters protocol. These agreements, in addition to defining the legal status of the forces and the headquarters of my command, provide the common framework essential to the establishment of procedures and supplementary arrangements for the national forces of the various member nations. Delay beyond the current session in the making of these arrangements could well have far-reaching and adverse effects on the United States military position in Europe.

I think it is unreasonable to assume that a man, formerly charged with the duty of commanding our forces in Europe, and who is now to be the Chief of Staff of the United States Army, would not be alert certainly to any danger such as that which the Senator from Ohio has pointed out. Of all people, he would want to make certain that such a situation would not arise that his key officers would be locked up, or his troops locked up, so that they would not be available in case of emergency.

Mr. BRICKER. I am not surprised at the statement which the Senator from California has read. I know that General Gruenther and another person from downtown have been contacting Senators during the day and lobbying with them on this matter, as indicated by the floor leader. I desire to say, however, I think the statement of General Gruenther is incredible.

Mr. KNOWLAND. The statement to which I referred, incidentally, was a statement by General Ridgway, not by General Gruenther.

Mr. BRICKER. It applies equally in respect to General Ridgway. There is here a question of power, not a question of the integrity or ability of either General Gruenther or General Ridgway. It is a question of power, a question of the integrity of the sovereign power of the United States over its armed forces. It is not a question of confidence in the commanding officers.

Mr. KNOWLAND. No, but the point at which I rose to address the inquiry to the Senator from Ohio was when he was telling of a technical or strategic situation which might endanger the security of the American forces, because certain key personnel might be subject to arrest and therefore not available at a time of emergency. I rose to point out that it seemed to me that if we had competent officers—and I assume that General Ridgway and General Gruenther are fully qualified officers——

Mr. BRICKER. I agree with the Senator. I think his conclusion in that respect is justified.

Mr. KNOWLAND. I believe they would be thoroughly familiar with the situation, and if they thought there was such a danger, they would not at this time be urging ratification of the agreements.

Mr. BRICKER. The fact is that the statement of General Ridgway is incredible for another reason. Six divisions of our troops are in European countries at the invitation of those countries to defend their soil in case of attack. To say to me, a Senator of the United States, that I shall do violence to that arrangement unless I give up the sacred, God-given, inalienable rights of American soldiers under our Constitution, is a most incredible statement.

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

Mr. BRICKER. I yield further.

Mr. KNOWLAND. Our troops are not in Europe solely for the purpose of defending the soil of those countries. Our troops are there so that in the event the rulers of the Kremlin decide to make an all-out effort to overcome Europe, for the purpose ultimately of striking against this country we, by a common defense effort, shall prevent them from obtaining the economic potential of Europe by securing the industrial potential of Europe, and at the same time getting the manpower of Europe. Our troops are not in Europe on a purely altruistic basis. It is true that the countries of Europe receive a degree of protection, but we also receive some protection, and we consider our position, with bases and depots abroad, to be better than it would be if we were finally forced back and found ourselves on an isolated island in a totalitarian world.

Mr. BRICKER. I do not know that at this time I wish to debate the question of whether our troops are there for our defense, or whether it is for the defense of the European countries; nor do I want to discuss the question of whether the European countries are contributing their proportionate share. They have more manpower than we have. Since the end of World War II, as a result of our assistance, they have had an incredible recovery, it seems to me, in their productive capacity. As I have said I do not care to debate those questions at this time. However, I would be fearful, with thousands of American boys in Europe, if the Kremlin should start to move, as the Senator from California suggests it might. God grant that it shall not move. But if it shall, I am afraid those boys of ours, because of the lack of cooperation on the part of European nations, may be sacrificial troops—sacrificed to the tyranny of Russia and the failure of European nations to meet our contribution on a par with their ability.

Mr. KNOWLAND. Mr. President, will the Senator from Ohio yield further?

Mr. BRICKER. I yield.

Mr. KNOWLAND. I know of nothing that could be more dangerous than a division in the relations of the nations of the free world at this particular time. Apparently, there is a great turmoil and upheaval going on in the Kremlin. One of the three top officials of the Soviet Government among the successors to Stalin has himself been purged. That may be only the opening of purges of other high officials of Soviet Russia. It is possible that the events which have taken place in East Germany and in the satellite nations, as well as the disruptions in the Soviet Union, may mean that the system may be in the process of cracking up. It seems to me that this is the time of all times in our history when we should develop strength and unity with our allies and do everything possible to uphold the hands of our commanders who are charged with the responsibility for the North Atlantic alliance.

Mr. BRICKER. I certainly am not insisting upon doing anything that would not uphold the hands of our commanding officers and of the American soldiers who would do the fighting if war should come. Let it be said here—and this is everlasting truth—that if the insistence of the United States Senate upon upholding the inalienable rights of the American soldiers, so that they shall be protected in their rights as they would be in this country, would break up the alliance or the support of European countries of the American Army in Europe, they are not the kind of allies I think they are or that they ought to be. They are not the kind of allies the United States ought to have. If the simple insistence of the Senate of the United States on protecting the rights of American boys taken into the Army and sent abroad will disrupt that alliance, the alliance is not worthy of continuing.

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

Mr. BRICKER. I yield.

Mr. DIRKSEN. In response to the observations of the Senator from California, I know of no more important time than now to assert the right which the Senator from Ohio has been asserting, because a socialistic wave such as has been experienced in Europe may affect us, and, little by little, individual rights may ebb away. If there ever was a time for the Senate to emphasize and reemphasize the doctrines set forth in the Constitution which safeguard the rights of individuals, that time is now, because those rights may be forfeited through inaction. If those rights are lost, if we fail to assert them, then the world is in a bad state.

Mr. BRICKER. I thank the Senator from Illinois. Those rights were secured through sacrificial service. Those rights should follow our troops wherever they go, and we should protect them as they would be protected at home against any foreign force. That is the responsibility and the duty of the Senate.

Mr. DIRKSEN. I remember a story told about an old Negro who was loitering around a fashionable church in New York on a Sunday morning, and a bypasser said, "What are you going to do?"

The Negro replied, "I am going into that church."

The bypasser said, "I would not do that if I were you."

The Negro said, "Why?"

The reply was, "That is one of those churches where God got lost in the machinery."

I am afraid we are getting lost in the rather complicated machinery of the world. We can be saved only as the American principle is asserted over and over again.

Mr. LONG. Mr. President, will the Senator from Ohio yield?

Mr. BRICKER. I yield.

Mr. LONG. Mr. President, I have on occasions discussed the question with some of those who have negotiated agreements with other nations. One of the points they have made has been that the foreign countries watch to see what additional concessions some other nation may receive from the United States and urge that as a precedent so that they may acquire additional concessions for themselves. Once we have gone to the extent we go in these treaties in agreeing to strip our boys of their rights, it will be urged in other cases. No matter how burdensome it may be upon our men, and our negotiators will have to agree to the type of instrument we are asked to agree to here.

We would not have this kind of an agreement before us if it were not for the fact that some of those representing our Government were willing to go to the extent of agreeing that our boys would be subject to trial in foreign courts under foreign laws. We have made agreements to defend those nations, including one nation which has not even agreed to fight to defend itself. We have made other concessions, economic, and of various other types. We have gained the right to have our troops on foreign soil. Certainly there are other ways than stripping our men of their rights to gain permission to have our troops on foreign soil, if necessary. So far as most of our troops are concerned, they are in Germany, and they do not have to get out until we are ready to sign a treaty of peace. We do not have to agree to the treaty which is before us in order to have our troops stay on foreign soil.

Mr. BRICKER. I thank the Senator from Louisiana.

Mr. President, the second major reason for the traditional rule of international law is to minimize friction between allies. Even the best systems of criminal procedure, civil and military, cannot completely prevent miscarriages of justice. Under any system, claims of injustice will be made frequently. But where Americans are tried by Americans, the American people, the Congress, and the President are responsible for preventing injustice. Where Americans are tried by foreigners, each claim of injustice requires diplomatic intervention and on occasion the exertion of diplomatic pressure. Foreign interference with American military justice and American interference with foreign judicial action is not conducive to friendly foreign relations.

Nothing is more likely to tear the North Atlantic alliance apart than article VII of the proposed treaty. Someday we can expect to witness an American soldier convicted and sentenced to die by a foreign court. If such a case captures the headlines in this country, it will be difficult to explain why jurisdiction over that boy was surrendered beyond recall. Explanations will be futile if an American serviceman is ever sentenced to life imprisonment or death by a Communist judge or by any other judge who is rabidly anti-American.

When the people realize that such results stem from the NATO alliance and that the United States is powerless to act, the NATO structure will surely collapse.

The third reason for the traditional rule of international law is to maintain morale in the military services. It is not necessary to weigh the relative merits of trial by court-martial and trial in local foreign courts. The fact is that American servicemen are reasonably familiar with the Uniform Code of Military Justice and their rights thereunder. They do not know and we do not know anything about the criminal procedure of the other NATO countries and Japan.

One reason Congress enacted the Uniform Code of Military Justice was to improve morale in the Armed Forces. Every serviceman was given the right to numerous appeals, including an appeal to the specially created Court of Military Appeals. Another reason for enactment of the Code was to insure uniformity of punishment. The idea was that one man should not be punished ten times more severely than another for a comparable offense. Uniformity is impossible where trials take place in a host of local foreign courts.

THE COMMITTEE'S PROPOSED STATEMENT OF INTENT

I wish to give some attention to the committee's statement of intent, which was submitted by the distinguished chairman of the committee later this afternoon.

The Senate Foreign Relations Committee has proposed that in advising and consenting to ratification the "sense of the Senate" be expressed with reference to the criminal jurisdiction provisions of article VII. The expression "the sense of the Senate" is a legal nullity in fact. It is meaningless. It has not the slightest legal force or effect. Where the rights of American servicemen overseas are involved, the Senate should not hesitate to say what it means in a way that will be binding on other parties to the treaty.

The first paragraph of the proposed statement of intent is:

1. The criminal jurisdiction provisions of article VII do not constitute a precedent for future agreements.

An unpleasant fact cannot be brushed aside in any such fashion. If article VII is approved, it will constitute a precedent for future agreements, any statement to the contrary notwithstanding. The Senate should not consent to any criminal jurisdiction agreement with NATO countries that it is unwilling to extend to all other countries where American forces are stationed. The United States cannot announce to the world that only the NATO countries and Japan can be trusted to give American boys a fair trial. The United States cannot say that its other partners in the cold war are untrustworthy or second-class allies. Yet everyone seems to agree that jurisdiction over American servicemen should not be surrendered to every nation outside the Iron Curtain.

It is absurd to say that the proposed treaty does not constitute a precedent. What friendly nation has a criminal law and procedure more unlike our own than Japan or Turkey? What friendly nation has a higher percentage of Communists than France? If we can surrender criminal jurisdiction over American soldiers and sailors to those countries, on what basis could we refuse to do the same for others?

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

Mr. BRICKER. I yield.

Mr. SALTONSTALL. It is my understanding that the United States could make a bilateral agreement, or that the commander of a ship or the commander of a force going into a country could make an agreement, regarding the jurisdiction of the country being entered. The United States has treaties with NATO countries.

As I understand, these agreements apply to the NATO countries. This treaty is before the Senate because it is impossible to make bilateral agreements between two NATO countries concerning all NATO countries. In other words, we could have an agreement with Italy, Italy could have an agreement with France, France might have an agreement with Great Britain, and Great Britain might have an agreement with the United States, and they might all be different.

The treaties are an effort to have a comprehensive understanding within the NATO countries. I do not admit for one moment that the making of the agreements will create a precedent for making a similar agreement with a country that is not within the NATO group or with a country with which we do not have the type of mutual self-protection treaty which we have with NATO countries.

Mr. BRICKER. Has not the United States already assured Japan that she will receive similar treatment?

Mr. SALTONSTALL. I cannot answer the Senator as to a bilateral agreement with Japan.

Mr. BRICKER. At the time of the previous debate on this subject, I believe the senior Senator from New Jersey [Mr. SMITH] made such a statement. I ask the Senator from New Jersey if that is not so.

Mr. SMITH of New Jersey. The Senator from Ohio is correct. I shall address myself to that subject in a few minutes, when the Senator from Ohio has concluded his statement.

Mr. SALTONSTALL. The Senator from Ohio is correct with relation to Japan.

Mr. BRICKER. I thank the Senator.

In his prepared statement before the Senate Foreign Relations Committee, General Smith said, "this is a rather precedent-making request"—record of hearings, page 2. It is indeed, even though General Smith later said the treaty should have been described as "unprecedented." It is that, too. General Smith, however, made it abundantly clear that approval of the treaty would establish a precedent, and one which could be broken only at the cost of alienating potential allies in the fight to stem Communist aggression.

No one denies that approval of the treaty would establish a precedent with respect to Japan. The United States is already obligated to surrender the same jurisdiction to Japan that is surrendered to the NATO countries. Is there a Senator among us who can describe criminal law and procedure as it actually operates in Japan so far as the character of punishment that might be inflicted?

On page 53 of the record of hearings, Senators will find a statement by General Smith which disclaims the creation of any precedent but which proves that fact beyond reasonable doubt. General Smith, quoting Lord Ismay, refers to NATO "as a sort of gentlemen's club; you had to demonstrate gentility to the unanimous views of all the other members before you could be admitted." According to newspaper reports, General Smith's unedited statement was that prospective members of NATO had to prove they were "housebroken." I suppose that was his interpretation of Lord Ismay's statement.

Membership in NATO does not mean that all members recognize the same degree of civil and political liberty. Not even Clarence Streit, head of the Atlantic Union movement, contends that all NATO countries are so alike as to make a political union of all of those countries feasible. He would exclude from Atlantic Union, as not sufficiently housebroken, Greece, Turkey, and several other NATO members.

Is General Smith going to tell countries of the Middle East that they are not genteel, or that their system of justice is inferior to that of the NATO countries? I think not. The Middle East is too important to be thrown into the arms of the Communists. We have no alternative but to treat all nations on the same basis so far as jurisdiction over American troops is concerned.

Not being in the State Department, I have no hesitancy in saying that Marshal Tito is not housebroken. But can General Smith say the same? Of course not. If there is any hope of making Tito a trustworthy ally, the State Department cannot make any invidious comparisons between the Yugoslav and Italian judicial systems.

At the present time the United States has military forces stationed in about 40 countries. Are we to tell all but 14 of those nations that they are not genteel, not housebroken, if their systems are not adequate and do not compare with those of the other 14?

The probability is that rather than alienate their friendship we would subject American boys to their criminal jurisdiction no matter how bizarre or inhuman by our standards.

For this dilemma there is a very simple remedy. The United States can treat all nations alike by standing on the generally accepted principles of international law, which it has followed for more than 150 years.

The second and third paragraphs of the committee's statement of intent could be rephrased as follows: If there is danger that American servicemen will not receive a fair trial, the Senate hopes that the boy's commanding officer and the State Department will beg for his release. I am unwilling to place the United States in any such humiliating

position. We have not yet become the captive of our supplicants. Inasmuch as the proposed statement of intent is meaningless, it is immaterial that the second and third paragraphs are concerned only with waiver of jurisdiction before trial. It would seem to be even more important to secure the release of an American serviceman who has been convicted without due process of law.

The fourth paragraph of the spineless statement of intent is ambiguous. It provides that a representative of the United States will attend the trial, a meaningless statement, since other parties to the treaty are not obliged to permit his attendance. Then the statement of intent provides that in case of failure to comply with paragraph 9 of article VII, the State Department shall beg for the boy's release. However, paragraph 9 of article VII recognizes the right of a representative of the United States to be present at the trial of one of its servicemen only "when the rules of the court permit." If the rules of the court do not so permit, a secret trial does comply with the provisions of paragraph 9 of article VII.

I cannot understand this reluctance to insure that American servicemen are not convicted by star chamber procedure. To accomplish that result, it would be necessary only to provide by way of a reservation to the treaty that the accused shall enjoy the right to a public trial in all cases. Perhaps other parties to the treaty would not be willing to accept a reservation guaranteeing the unqualified right to a public trial. That may explain why no reservation has been offered guaranteeing American servicemen the same rights they would have under the Uniform Code of Military Justice. Since the other parties to the treaty are apparently unwilling to agree to the bare essentials of due process of law, the reservation I have proposed is absolutely essential.

Mr. KNOWLAND. Mr. President, will the Senator from Ohio yield at that point?

Mr. BRICKER. I yield.

Mr. KNOWLAND. Assume for the moment that the United States should retain complete jurisdiction in its military command over its forces, even if they were off duty and had violated the criminal laws of the foreign country by committing arson, murder, or whatever the crime might be, not connected with military duty; and assume that a soldier was subject to military control and to court-martial. In the court-martial he would not have a jury trial. In the court-martial he would not have a public trial.

Mr. BRICKER. No; but he would be tried by his fellow Americans. He would have the right of appeal to the Military Court of Appeals, and ultimately to the President of the United States. That is the reason why Congress enacted the Code of Military Procedure in criminal cases.

As pointed out in the committee report, page 11:

> The United States cannot demand treaty rights for its troops abroad that it is not willing to accord to foreign troops here.

Equality of treatment is provided in the reservation I have proposed. The military authorities of the United States would exercise exclusive criminal jurisdiction over American forces abroad. The military authorities of other NATO countries would exercise exclusive criminal jurisdiction over any of their forces which might be stationed in the United States. That is the bargain which should have been made originally. It is the only bargain consistent with the legal rights of American servicemen, with generally recognized principles of international law, and with the harsh realities of international relations.

Mr. President, I shall offer the reservation at the appropriate time. If it is not adopted by the Senate, I shall vote against this treaty, because of the nefariousness of section 7 of the Status of NATO Forces Treaty.

EXHIBIT 1

FURTHER DEVELOPMENTS CONCERNING JURISDICTION OVER FRIENDLY FOREIGN ARMED FORCES

(By Archibald King [1])

In the October 1942, number of this Journal, there was published an article by the present writer dealing with the jurisdiction of the courts of one nation over the personnel of the armed forces of another friendly nation on the soil of the former.[2] During the 3 years which have elapsed since that time there have issued several international agreements, statutes, executive orders, and judicial decisions in various countries dealing with this subject, a summary of which will bring the previous article down to date.

EGYPT

The status of friendly forces in Egypt has been fully treated by Judge Brinton in a recent very interesting and able article in this Journal.[3] As there stated in detail, Egypt concluded a treaty with Great Britain in 1936 conceding to British courts, without limitation as to time, exclusive criminal jurisdiction over British military and naval personnel in Egypt and a limited jurisdiction over civil suits against them.[4] On March 2, 1943, an executive agreement was concluded between the United States and Egypt conceding to our courts exclusive criminal jurisdiction over our armed forces in Egypt for the duration of the war.[5] Even before the notes constituting that agreement were exchanged the Egyptian Government made no effort to subject United States military or naval personnel to the jurisdiction of its courts.[6]

Judge Brinton's article also discusses several recent decisions of the mixed courts of Egypt in which exemption from local criminal jurisdiction was claimed by several members of various other military or naval forces serving in Egypt with the consent of the government of that country, some of which have been published in this Journal.[7] The opinions in those cases admit the immunity of the visiting soldier or sailor from the jurisdiction of the local courts and the exclusive jurisdiction of the court-martial of his own service over him when in his camp or on his ship, but hold that when absent therefrom the said immunity exists only when he is on service commandé. In the first case in which the above rule was laid down, that of Triandafilou, a sailor in the Greek Navy, the Court based its decision on article 20 of the resolutions adopted by the Institute of International Law at its meeting at Stockholm in 1928, which follows an article of resolutions voted at The Hague in 1898, and which provides that members of the crew of a ship of war, who commit offenses against the laws of the country while ashore, may be arrested by the local authorities and tried by the local courts, unless at the time of the offense they are on service commandé.[8]

The title of the resolutions of which the above article forms a part is Règlement sur le Régime des Navires de Mer et de leurs Équipages dans les Ports étrangers en Temps de Paix.[9] All of these cases arose during the war. Nor will it do to say that Egypt was at peace. Though that is strictly true, the title does not say that the resolutions are drawn for places at peace, but for a time of peace. And in fact Egypt's state of peace was little more than a technical one. She had, to her credit be it said, freely opened her ports and borders to the ships of war and troops of the Allied Nations. Scores of those ships accepted the hospitality of her harbors and thousands of those troops served, fought, and died on her soil. The date of Triandafilou's offense is not stated in papers now available, but presumably was not long before May 4, 1942, the date of his trial in the Correctional Court of Alexandria. Prior to that time the German and Italian forces had twice invaded Egypt and had twice been driven back by the British as far as El Agheila, at the western

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[1] The author was until recently a colonel in the Judge Advocate General's Department, United States Army, and is now a colonel, retired; but the opinions herein expressed are his own and not necessarily those of the War Department or The Judge Advocate General.

[2] King, "Jurisdiction over Friendly Foreign Armed Forces," this Journal, vol. 36 (1942), p. 539.

[3] Brinton, Jurisdiction over Members of Allied Forces in Egypt, this Journal, vol. 38 (1944), p. 375.

[4] League of Nations, Treaty Series, vol. 173, p. 434.

[5] Department of State, Executive Agreement Series, No. 356.

[6] This statement is made on the authority of two officers of the U. S. Army who were in Egypt at the time and in a position to know the facts.

[7] This Journal, vol. 39 (1945), pp. 345, 347, 349. Other decisions of this class, not reprinted in this Journal, are Ministère Public c. Gaitanos, Journal des Tribunaux Mixtes, July 13–14, 1942; M. P. c. Anne, J. T. M., Jan. 21–22, 1944; M. P. c. Cambouras, J. T. M., Jan. 26–27, 1944; M. P. c Scardalos, J T. M., May 19–20, 1944.

[8] Annuaire de l'Institut de Droit International, 1928, p. 743. Article 20 is found in chapter II, headed, Batiments and militaires. The article is as follows:

"ARTICLE 20

"Si des gens du bord, se trouant à terre, commettent des infractions aux lois du pays, ils peuvent être arrêtés par les agents de l'autorité territoriale et déferés à la justice local. Avis de l'arrestation doit être donné au commandant du navire, qui ne peut exiger qu'ils lui soient remis.

"Si les délinquants, n'étant point arrêtés, ont rejoint le bord, l'autorité territoriale ne peut pas les y saisir, mais seulement demander qu'ils soient deférés aux tribunaux compétents d'après la loi du pavillion et qu'avis lui soit donné du résultat des poursuites.

"Si des gens du bord, se trouvant à terre en service commandé, soit individuellement, soil collectivement, sont inculpés de délit ou crime commis à terre, l'autorité territoriale peut procéder à leur arrestation, mais elle doit les livrer au commandant sur la demande de celui-ci.

"L'autorité territoriale doit, lors de la remise des délinquants, faire suivre les procésverbaux constatant les faits; elle a le droit de demander qu'ils soient poursuivis devant les autorités compétentes et qu'avis lui soit donné du résultat des poursuites."

[9] Same, p. 736.

edge of Cyrenaica. On January 21, 1942, Rommel, the German commander, attacked the British and drove them east to a defensive line extending south from El Gazala, 35 miles west of Tobruk, where they still were at the supposed date of Triandafilou's offense. About that supposed date, on April 7, 1942, Axis planes bombed the port of Alexandria, in which Triandafilou's ship lay, and killed 52 persons. On May 26 Rommel attacked again, turned the left flank of and defeated the British Army. On June 21 he captured Tobruk with its garrison of 25,000 men and great quantities of supplies. Rommel invaded Egypt a third time, pressed forward, and the British withdrew until they reached El Alamein, where they bravely stood, fought off, and stopped the enemy. El Alamein was the last possible defensive position short of Alexandria and only 80 miles from that city, which was the place of Triandafilou's offense and of the sessions of the mixed courts. The British retreat reached El Alamein on June 29, 1942, the very day that the Court of Cassation delivered its opinion citing the Stockholm Resolutions, which by their title are applicable only en temps de paix. The next day, June 30, Axis planes twice raided Alexandria. To hold that there was a "time of peace" at Alexandria in the spring and early summer of 1942, merely because there had been no declaration of war by Germany or Italy upon Egypt, or vice versa, is to take leave of reality.[10]

The Stockholm resolutions are entitled a Règlement and apparently were meant to be annexed to a multipartite treaty, as the Règlement concerning the laws and customs of war on land is annexed to Hague Convention No. IV of 1907; but, so far as this writer knows, no such treaty has ever been made. Notwithstanding the respect which every one (and nobody more than this writer) feels for the learning and ability of the eminent men who composed the Institute of International Law and who drew up the article in question, it is nevertheless purely an unoffical expression of the opinion of those persons, and has per se no binding force.

The fact that the learned jurists who drew the resolution of the Institute of International Law inserted the words en temps de paix in its title justifies the inference that they thought the rule inapplicable in time of war. On the other hand, a number of authorities have laid down substantially the same rule without any express limitation to a time of peace.[11] Furthermore, the mixed courts applied a resolution intended for ships and naval personnel to armies, as the defendants in four of the cases already mentioned were soldiers.[12]

The principal objection to the decisions of the mixed courts cited above arises from the fact that they disregard the military necessities of the situation. As this writer pointed out in his earlier article,[13] in order that he may carry out the mission which brought him in time of war into a theater of military operations, it is indispensable that a commanding officer have exclusive control of his men. It may be argued that a battle will not be lost because the army has one less soldier; but, if the civil authorities may take away one soldier at such a time and place, they may take away a hundred, if that many are charged with offenses; and, if they may lock up a private, they may lock up the general, if in his haste to get to the front his car has knocked down a civilian, and the army may lose its directing head.

The need for the captain of a warship in a theater of operations in time of war to have complete and exclusive jurisdiction and control over his men, even if they go ashore temporarily, is as great as that of a commanding officer of land troops. Every man on a warship has his battle station. Surplus personnel are rarely carried. For the courts or police of another even though friendly nation to take a man from his ship diminishes pro tanto her combat efficiency, and she may have to engage in combat an hour after leaving harbor. There is therefore the strongest military reason against permitting the local jurisdiction to prevail in time of war and in favor of the man's being tried only by the courts-martial of his own navy.

The defendants in the several cases before the mixed courts belonged either to the Greek or the French forces. The Greek government was in exile. The Vichy French Government was a prisoner and that set up at Algiers after the landing of the Americans was cut off from the mother country. None of these governments was in a position to oppose effectively the exercise of jurisdiction over its soldiers and sailors by the mixed courts of Egypt. As has been said, Great Britain has a treaty, and the United States has an executive agreement, with Egypt, conceding exclusive jurisdiction over their forces; but, even in the absence of a treaty or agreement, it is not to be supposed that any nation able to prevent it will permit its soldiers or sailors to be withdrawn from its control by another power in time of war and in a theater of operations, whatever a court may say about the matter. If international law lays down that this may be done, it runs the risk of justifying the charge sometimes (though in general erroneously) brought against it, that it is divorced from reality.

The decisions of the mixed courts are based upon a resolution which does not have the force of law, which according to its title applies only in time of peace but which was applied by those courts to a time of war in fact, the courts applied to land troops a resolution relating only to naval forces, and the decisions disregard the military necessities of the situation and lay down a rule which powerful nations do not and will not follow in time of war. For these reasons, notwithstanding the profound respect which this writer feels for the mixed courts, he is forced to the conclusion that their decisions in these cases are unsound.

The question may next be considered whether article 20 of the Stockholm resolutions of the Institute of International Law states a sound and workable rule of law, as limited by the institute itelf, i. e., to time of peace and to naval personnel forming part of the crew of a friendly foreign warship.

It is well settled that a crime committed by a member of the crew on board a warship of nation A in a harbor or territorial waters of nation B is justiciable only by the naval courts-martial of A, unless A waives its exclusive jurisdiction.[14] It may reasonably be argued that, for such a man at such a time, the rail of his ship is the equivalent of the frontier between the two countries, and that, if the visiting sailor goes ashore on liberty, he is in the same situation as a soldier stationed at Plattsburg Barracks, N. Y., who enters Canada on a pass and commits an offense while in Montreal, and is not entitled to immunity from the local courts because he entered the friendly foreign country as a mere visitor or tourist and not on duty. Furthermore, the sailor's situation differs from that of the soldier in a foreign country in that the sailor's duties, including combat, are in the usual case performed on board his ship, whereas the soldier's are not all performed in his camp.

On the other hand, there are practical difficulties in accepting the rule laid down in article 20 of the Stockholm resolutions, even in time of peace. As the present case shows, it is not always clear whether a particular case occurred in time of peace. Even if the time be indisputably one of peace, the situation may be such that, because of strained international relations, because the man arrested occupies a key position on board, or for other reasons, it is from a military standpoint as necessary that he rejoin his ship promptly as it is in time of war. Suppose, for example, that the United States had had, what unfortunately it apparently did not have, advance information of the intention of the Japanese naval air forces to attack Pearl Harbor, and had sent an urgent radio message to one of our warships, then in a friendly foreign port in the Pacific, to proceed at once to a fleet rendezvous. Several of the personnel of the ship, having important duties on board, have been arrested by the local police while ashore on liberty and charged—perhaps unjustly—with the commission of offenses there. It is clear that this is a time of peace. Does the supposed superior right of the local court to try the offenders override the urgent military need for their presence aboard their ship? According to article 20 of the Stockholm resolutions, the answer must be in the affirmative. If so, the ship must wait in port and miss the rendezvous, or sail to the rendezvous and to battle without men long trained and sorely needed for just that eventuality.

My conclusion is that, as limited by the title to time of peace, and by its terms to members of the crews of friendly foreign warships, the rule laid down by article 20 of the Stockholm resolutions is supported by the great weight of authority; but there are cogent military reasons, even in time of peace, against the limitation of the exemption of the sailor ashore to those occasions when he is there on duty.

CHINA

An agreement was made between the United States and China by exchange of notes at Chungking on May 21, 1943, for the exemption of personnel of the Armed Forces of the United States in China from the criminal jurisdiction of that country.[15] The note of the United States went on to say, as did our note to Great Britain on the same subject,[16] on which it was obviously modeled, that the immunity therein conceded might be waived in particular cases, that the service courts and authorities of the United States in China would be willing and able to try and punish offenders, that such trials would be public and within a reasonable distance from the scene of the offense, and that cooperation would be arranged in making investigations and collecting evidence. Furthermore, it was stated that "the Government of the United States will be ready to make like arrangements to insure to such Chinese forces as may be stationed in territory under United States jurisdiction a position corresponding to that of the United States forces in China."

The Chinese note confirmed the above understanding.

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[10] See *The Prize Cases* (2 Black 635), in which the Supreme Court of the United States upheld the legality of the blockade of the coasts of the Southern States during the Civil War, because war existed in fact, though there had been no declaration.

[11] C. C. Hyde, International Law (2d ed., vol. II, sec. 255); Oppenheim, International Law (4th ed., vol. I, sec. 451); J. B. Moore, Digest of International Law (vol. II, sec. 256); G. H. Hackworth, Digest of International Law (vol. II, p. 422).

[12] Those of Stamatopoulos, Cambouras, Gongoulis, and Malero, cited above, note 7.

[13] This Journal (vol. 36 (1942), p. 560).

[14] Hackworth, Digest, vol. II, p. 408; Oppenheim, International Law, 5th ed., vol. I, pp. 666, 667; Hyde, International Law, 2d ed., secs. 252, 253; *The Schooner Exchange* v. *McFaddon* (7 Cranch 116, 144, 145); *Chung Chi Cheung* v. *The King* (1939 A. C. 160).

[15] The notes are printed in full in English and Chinese in Department of State, Executive Agreement Series, No. 360.

[16] Executive Agreement Series No. 355.

BRAZIL

No agreement between the United States and Brazil has been made concerning jurisdiction over the forces of the one in the territory of the other, but the Brazilian Supreme Court has given a most interesting opinion on the subject.

A sailor of the United States Navy named Gilbert was on duty as sentinel at the gate of a base, which, with the permission of the Government of Brazil, our Navy occupied in that country. A Brazilian civilian attempted to enter the base, resisted the sentinel's efforts to stop him, was shot by the sentinel, and in consequence died a few days later. The Brazilian Supreme Court, in a decision rendered on November 22, 1944, affirming a lower court, quoted article 299 of the Bustamante Code [17] and several Brazilian legal writers,[18] and held that no Brazilian court, civil or military, had jurisdiction over the defendant. The opinion of the court, which was unanimous, concluded:

"It is my duty to judge correct the present refusal of the Brazilian authorities to acknowledge jurisdiction and to declare competent the military courts of the United States to try and judge the American sailor in question."

BRITISH EMPIRE

Great Britain and Northern Ireland

The United States of America (Visiting Forces) Act, 1942,[19] is still in force, and recognizes the complete exemption of members of the Armed Forces of the United States in the United Kingdom from the criminal jurisdiction of the British courts and the exclusive jurisdiction over them of our own courts-martial. There have also been issued by the British Government statutory orders [20] granting to our forces certain rights pertaining to military justice, such as the right to compel the attendance of witnesses before our courts-martial and to have our military prisoners confined in British prisons or detention barracks.

The act of Parliament above cited provides [21] that the United States may waive its exclusive right to jurisdiction over any particular case. In order that the two might be tried jointly such a waiver was made as to the soldier in a case which received considerable publicity, in which an American named Hulten and an Englishwoman named Jones jointly murdered a cabdriver.[22] As far as this writer is aware, in no other case has an American soldier or sailor been tried in a British criminal court.

Criminal jurisdiction over members of the Armed Forces of allied nations other than the United States in the United Kingdom is regulated by the Visiting Forces (British Commonwealth) Act, 1933,[23] the Allied Forces Act, 1940,[24] and orders in council issued in implementation of those acts of Parliament; it has been described in detail by several writers.[25] The Allied Forces Act admits the jurisdiction of allied military courts only "in matters concerning discipline and internal administration." [26] It expressly declares the concurrent jurisdiction of the local British courts to exist.[27] It undertakes to forbid courts-martial of the visiting forces to try certain cases at all.[28] These legislative provisions show that British domestic law does not concede to the forces of allied nations other than the United States in Great Britain exemption from the criminal jurisdiction of the local courts, nor even criminal jurisdiction over their own personnel in their own courts-martial in all cases. The rights which British statute law says that the visiting forces may exercise are less than those acknowledged to exist by all British writers on international law, including Lawrence [29] and Oppenheim,[30] who take a comparatively narrow view of such rights, and less than those declared to exist in a like case by the highest court of the British Empire.[31]

Dr. Egon Schwelb, a competent international lawyer who has written extensively on this subject, has said: [32]

"The position does not conform with any precedent and with any scheme visualized by the authorities on international law, quoted above. The position of the Allied Forces does not, in some respects, come up to the rules of international law regarding extraterritoriality even in that restricted sense in which it is recognized even by those writers who are not in favour of extensive extraterritoriality."

In the debate on the Allied Forces Act in the House of Commons, Sir Donald Somerville, at that time the Attorney General of England, said: [33]

"I quite agree with the honorable gentleman that these foreign governments might say, 'You do not in this bill go as far as international law.' "

The Attorney General also made the admission:

"When we have our forces in foreign territory (we) ask for, and always get complete permission to apply our own military code." [34]

Since Great Britain has granted to the United States forces the fullest immunity it does not become an American to criticize her; but even the friendliest commentator cannot help noting the inconsistency of the British position as to her and our allies and regretting that Great Britain did not fully concede and implement the rights of those allies under international law. The disparity between the rights conceded to the United States and those conceded to the other Allies having troops in Great Britain is the more regrettable because the United States was at the time a great and powerful nation, whose aid was needed by Britain, whereas the other Allies, whose rights were not so fully conceded, were smaller and weaker countries whose territory was occupied by the enemy and whose kings, governments, and troops were homeless exiles in Great Britain.

Crown colonies

Section 3 (1) of the United States of America (Visiting Forces) Act, 1942, provides that the King may by order in council direct that the act shall have effect in any British colony, protectorate, or mandate. Pursuant to that section an order in council was issued November 24, 1942,[35] which carried the Act

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[17] Annexed to the Convention on Private International Law adopted at Habana, Feb. 20, 1928; final act of the Sixth International Congress of American States, p. 16. Article 299 cited is quoted in this author's prior article, this Journal, vol. 36 (1942), p. 547.

[18] Among these is Lafayette, Princípios de Direito Internacional, Rio de Janeiro, 1902, vol. I, par. 97, p. 161 (translation supplied):

"The special permission for foreign military forces to pass through the national territory or remain for a time within it includes virtually the exemption of these forces from territorial jurisdiction. In truth subject to the local sovereignty, they would escape in fact from the authority and direction of their own government and find themselves under the power of a foreign government, which would in effect make them useless as agencies of defense of the state to which they belong.

"The exemption, however, from the territorial sovereignty limited by their raison d'être includes only that which concerns the command, direction, and discipline of the forces.

"In this order of ideas it is clear that the military authority retains the right to try and punish crimes and delinquencies committed by officers and soldiers, not only when perpetrated by one against the other, but also when against the inhabitants of the country."

[19] 5 and 6 George 6, c. 31. The title of the act is "An act to give effect to an agreement recorded in notes exchanged between His Majesty's Government in the United Kingdom and the Government of the USA, relating to jurisdiction over members of the military and naval forces of the USA." The notes mentioned in the title are printed in the schedule annexed to the act and also in U. S. Department of State, Executive Agreement Series, No. 355. This act and the legal position of members of the United States forces in the United Kingdom are discussed in this Journal in the present writer's prior article, vol. 36 (1942), p. 539, at pp. 556–559, and by Dr. Egon Schwelb, vol. 38 (1944), p. 50. The subject is also treated by Prof. Arthur L. Goodhart in American Bar Association Journal, vol. 28 (1942), p. 762; but the present writer finds himself unable to agree with some of the things there said.

[20] Statutory Rules and Orders, 1942, Nos. 966, 1679, 2192.

[21] By the proviso to sec. 1 (1).

[22] File CM 275747, Office of the Judge Advocate General, U. S. Army.

[23] 23 George 5, c. 6.

[24] 3 and 4 George 6, c. 51.

[25] This writer's previous article already cited, this Journal, vol. 36 (1942), p. 539, especially at pp. 556, 557; Kuratowski, "Military Courts of Foreign Governments in the United Kingdom," in Transactions of the Grotius Society, vol. 28, p. 1; Schwelb, "Jurisdiction Over the Members of the Allied Forces in Great Britain," in Czechoslovak Year Book of International Law, 1942, p. 147; Schwelb, "Status of U. S. Forces in English Law," this Journal, vol. 38 (1944), p. 50; Schwelb, "Status of Soviet Forces in British Law," this Journal, vol. 39 (1945), p. 330.

[26] Allied Forces Act, 1940, sec. 1 (1).

[27] Sec. 2 (1).

[28] Sec. 2 (3).

[29] Principles of International Law, 6th ed., sec. 107, p. 246.

[30] International Law, 4th ed., vol. I, sec. 445.

[31] *Chung Chi Cheung* v. *the King* (1939 A. C. 160).

[32] Czechoslovak Yearbook of International Law, 1942, p. 169. Dr. Schwelb said the same thing on another occasion. See Transactions of the Grotius Society, vol. 28, p. 24.

[33] Hansard's Debates, vol. 364, No. 106, Aug. 21, 1940, column 1405.

[34] Columns 1404, 1405. When the Attorney General of England officially makes such a statement as that quoted in the text, its correctness may be accepted. However, examination of the history of Great Britain's military contacts with friendly powers confirms it. The important part of the agreement which concedes complete exemption to British forces in France during the first World War is quoted in this writer's earlier article in this Journal, vol. 36 (1942), p. 549. The agreement with reference to British forces in Egypt is quoted in the same article, p. 553. As to British forces in Ethiopia, see the "annexure" to the treaty between the two countries concluded December 19, 1944: Department of State Bulletin, vol. 12, pp. 200, 203. The status of British forces in the United States is discussed in later sections of the present article. Nor will it do to say that British forces have been serving in countries having a less advanced system of criminal justice, to which British soldiers and sailors ought not to be subjected. That may be true as to Egypt and Ethiopia but it is not true of France and the United States. Conversely, Norweigians, Dutchmen, and Belgians in Great Britain would not admit, nor would Englishmen contend, that the former's courts-martial are so inferior to British courts that the British population would not be adequately protected if soldiers and sailors of those nations serving in Britain were to be subject to the exclusive jurisdiction of their own military tribunals.

[35] Statutory Rules and Orders, 1942, No. 2410.

of Parliament into effect in practically all British Crown Colonies except those in which United States bases were established under 99-year leases in exchange for the transfer of 50 destroyers by the United States. In the latter, criminal jurisdiction is still regulated by Article IV of the Base Lease Agreement of March 27, 1941.[36] This results in the anomaly that in Barbados our armed personnel are subject solely to the jurisdiction of their own courts-martial whereas in near-by St. Lucia, Trinidad, and Antigua they have only the more limited exemption provided by the agreement just mentioned.

The ancillary rights pertaining to military justice mentioned as having been granted to our forces in the United Kingdom were also granted by order in council [37] to those forces in the Crown Colonies other than those colonies in which leased bases are established.

Australia

As has been pointed out in this writer's prior article in this journal,[38] the Commonwealth of Australia by order in council promptly conceded to the United States exclusive criminal jurisdiction over our soldiers and sailors in that country. Except for one amendment slightly broadening the immunity of our personnel,[39] that order remains in force unchanged.

There has been an interesting decision of the Supreme Court of New South Wales as to the civil liability of an Australian officer serving with our Armed Forces. Wright against Cantrell [40] was a civil action for slander in stating to the plaintiff in the hearing of others, "You have been drinking and have no business to bother with the crew"; and for libel in issuing a document, referring to the plaintiff, containing the words, "Reason for discharge—drunkenness." Both parties were Australians working under the United States Armed Forces, the plaintiff a civilian sea captain, and the defendant an officer in the Australian Navy, paid by the Government of that country, but lent to the United States for duty in employing and discharging personnel of ships used by our Armed Forces.

The case came up to the Supreme Court of New South Wales on demurrer to the defendant's pleas. Though the defendant was an Australian and an officer of the Navy of that country, the court treated the case on the same footing as if he had been an American officer, since he was acting under the orders of military officers of the United States in connection with the operations of our Army. The case was not within the scope of the order in council mentioned above, because they relate only to criminal jurisdiction, and this was a civil suit for damages. The court, therefore, undertook to decide the case on general principles of international law as recognized in Australia. After considering the case of the schooner *Exchange* [41] and many other authorities, the court denied the existence of complete immunity of the visiting forces, but held that the host country must be deemed to waive in favor of the Allied forces any provisions of its laws inconsistent with the purpose of their visit and to concede to its officers all authority necessary to maintain discipline; but the court decided that it did not follow from these principles that the members of the visiting forces were exempt from civil suit. It, therefore, rejected the defendant's claim of immunity to the jurisdiction of the court, and also rejected his claim of absolute privilege. The supreme court remanded the case to the court below for trial, which resulted in favor of the defendant, though whether because of the existence of a conditional privilege or because of the truth of the statements made by the defendant, this writer is not informed.

The learned court and this writer are not so far apart as to the general principles of law involved as they are with respect to the application of those principles to the facts of this case. The question presented was whether the defendant was under the circumstances of the case immune, not to the criminal jurisdiction of the local courts, but to their civil jurisdiction. In the case of the schooner *Exchange,* Chief Justice Marshall referred to a waiver of "all jurisdiction" [42] over visiting forces, and the word "all" must be deemed to include civil as well as criminal jurisdiction. In *Coleman* v. *Tennessee,*[43] the Supreme Court of the United States said:

"It is well settled that a foreign army permitted to march through a friendly country, or to be stationed in it, by permission of its government or sovereign, is exempt from the civil and criminal jurisdiction of the place."

In *Dow* v. *Johnson,*[44] the Supreme Court repeated the foregoing with approval. It is true that in the Coleman and Dow cases the court was dealing with a hostile occupation and not with the presence of troops of one ally on the soil of another, but its reasoning is applicable to both situations. *Dow* v. *Johnson,* like *Wright* v. *Cantrell,* was a civil action against an officer for damages alleged to have been caused to the plaintiff by orders given or acts performed by the defendant in his official capacity. General Dow, the defendant, though served with a summons, did not appear in the civil court, and judgment was given against him by default. The Supreme Court said:

"The Sixth District Court of the Parish of New Orleans did not seem to consider that it was at all inconsistent with his duty as an officer in the army of the United States to leave his post at the forts, which guarded the passage of the Mississippi, nearly a hundred miles distant, and attend upon its summons to justify his military orders, or seek counsel and procure evidence for his defense. Nor does it appear to have occurred to the court that, if its jurisdiction over him was recognized, there might spring up such a multitude of suits as to keep the officers of the army stationed in its district so busy that they would have little time to look after the enemy and guard against his attacks.[45]

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"It is manifest that if officers or soldiers of the army could be required to leave their posts and troops, upon the summons of every local tribunal, on pain of a judgment by default against them, which at the termination of hostilities could be enforced by suit in their own states, the efficiency of the army as a hostile force would be utterly destroyed. Nor can it make any difference with what denunciatory epithets the complaining party may characterize their conduct. If such epithets could confer jurisdiction, they would always be supplied in every variety of form." [46]

So far as the law of the United States is concerned, the cases cited make it certain that the exemption of the visiting forces extends to civil suits as well as criminal prosecutions, and the Supreme Court gives cogent reasons why this should be so.

Notwithstanding the eloquent language of the Supreme Court in the passage just quoted, for reasons which he has already stated [47] and which are also ably set forth by the Supreme Court of New South Wales in its opinion in *Wright* v. *Cantrell,* this writer does not believe that the exemption should extend to all civil suits. But it should extend at any rate to a suit for damages based on an act or omission of the defendant in the line of his duty, and *Wright* v. *Cantrell* is a suit of that class. In acting or failing to act, the defendant is the representative of the country which he serves and the suit is in substance against it. It is derogatory to the dignity and safety of the nation which the defendant serves that its officer, performing duties upon which the success of military operations may depend, should have the propriety of his performance of them called in question in the court of a foreign even though friendly nation. If the plaintiff is successful, the nation which the defendant serves must either pay the judgment, in which case it is clear that the suit was in reality against it, or else decline to do so and remain subject to the accusation that it has allowed its officer to suffer because of the performance of his duty. The knowledge by a member of the visiting forces that he is liable to suit in a foreign court by any disgruntled inhabitant of the host country with whom he deals will not make for that prompt and vigorous performance of duty so necessary in time of war.

It may be remarked that the treaty between Great Britain and Egypt, already mentioned earlier in this paper, expressly stipulates for the immunity of the British armed forces from civil suits arising out of the performance of their official duties, a provision the benefit of which was enjoyed by the Australian forces serving in that country.

It is concluded that to refuse immunity to the defendant in a suit arising out of the discharge of his official duties, such as *Wright* v. *Cantrell,* is to deny to the members of the visting forces a protection necessary to the proper performance of their mission in the host country, and that such denial is inconsistent with the dignity and safety of the nation which they serve. It is believed that, conformably with the general principles which the Supreme Court of New South Wales laid down, it might and should have decided the case in favor of the defendant.

This does not mean that an inhabitant of the host country injured by the wrongful action of a member of the visiting forces within the scope of his employment is or should be without remedy. The United States Congress has passed acts providing for the payment of all legitimate claims arising out of acts or omissions of our armed personnel,[48] and it is believed that other belligerent nations have done likewise. If this is not so in any particular case, the person injured may present his claim through diplomatic channels.

New Zealand

By an order in council dated April 7, 1943,[49] the Government of New Zealand recognized the exclusive criminal jurisdiction of our courts-martial over our own armed personnel in that country, and granted numerous ancillary privileges valuable to our forces, such as the arrest of our personnel by New Zealand police on request of their own commanding officer, the right to compel the attendance of civilian witnesses before our

[36] The agreement is printed in full in H. Rep. Doc. 158, 77th Cong., 1st sess.; Department of State, Executive Agreement Series, No. 235; and this Journal, vol. 35 (1941), Supplement, p. 134. Art. IV is printed and discussed in this writer's prior paper, this Journal, vol. 36 (1942), pp. 553–555.

[37] Statutory Rules and Orders 1942, No. 1576.

[38] Vol. 36, pp. 555, 556.

[39] Statutory Rules, 1942, No. 457.

[40] 44 State Reports N. S. W., 45, 61 Weekly Notes 38 (1944).

[41] 7 Cranch 116.

[42] 7 Cranch 140.

[43] 97 U. S. 509, 515.

[44] 100 U. S. 158, 165.

[45] 100 U. S. 160.

[46] 100 U. S. 165.

[47] Vol. 36, this Journal, pp. 561–565.

[48] Act of January 2, 1942, as amended April 22, 1943, and July 31, 1945; 31 U. S. C. 224d.

[49] The United States Forces Emergency Regulations 1943, serial No. 1943/56.

courts-martial, and to have them punished for contempt of or perjury before such courts, and the detention of our military prisoners in local prisons and detention barracks.

India

The agreement between the United States and India with reference to criminal jurisdiction over our forces in the latter country, like that between the United States and the United Kingdom, is embodied in an exchange of diplomatic notes.[50] The correspondence began with a note, dated at New Delhi on September 29, 1942, from "the Secretary to the Government of India in the External Affairs Department" to "the Secretary in charge of the Office of the Personnel Representative of the President of the United States of America to India." The first gentleman proposed to his confrère that an agreement be made between the two countries like that previously made with respect to our forces in the United Kingdom by exchange of notes between Mr. Eden, the British Foreign Minister, and our Ambassador at London,[51] and enclosed a draft of an ordinance which the Government of India proposed to issue to implement the agreement. By note of October 10, 1942, our representative agreed to the foregoing. In a separate note bearing the same date the American representative inquired whether the proposed ordinance would be effective in the Indian native states, to which the Secretary to the Indian Government answered on October 16:

"I am desired to say that it is intended that the ordinance, when promulgated, should be brought to the notice of the residents in the Indian states, who will be informed that His Excellency the Crown Representative has decided that no criminal proceedings shall be taken in any state court against any member of the United States of America Armed Forces. For all practical purposes therefore the position will be identical in British India and in the states."

Pursuant to the agreement thus made, the Government of India issued two ordinances, both dated October 26, 1942.[52] No. LVI, called the Allied Forces Ordinance, 1942, does not mention the United States, but applies to any naval, military, or air force of any foreign power or authority allied with his Majesty present in British India, and concedes to such forces substantially the same rights and privileges in respect of military justice as are conceded in Great Britain by the Visiting Forces (British Commonwealth) Act, 1933,[53] and the Allied Forces Act, 1940.[54] Like those acts, it undertakes to reserve the concurrent jurisdiction of the local courts over members of the visiting forces, and to deny to those forces the right to try their own men in certain cases.[55] No. LVII, entitled the "Allied Forces (United States of America) Ordinance, 1942," is substantially the same as the United States of America (Visiting Forces) Act, 1942, and gives complete immunity from the criminal jurisdiction of the courts of British India to our personnel, unless that immunity be waived in a particular case.

Canada

On April 15, 1941, before the United States entered the war, the Canadian Government promulgated an Order in Council, the Foreign Forces Order, 1941,[56] dealing with the status of friendly foreign armed forces in Canada. This followed the pattern of the Visiting Forces (British Commonwealth) Act, 1933,[57] and the Allied Forces Act, 1940,[58] of the United Kingdom. It provided for the sitting of foreign courts-martial in Canada and their jurisdiction over matters concerning discipline and internal administration of their own forces but forbade them to try any case of murder, manslaughter, or rape and further said that local criminal courts should have concurrent jurisdiction with them. The order also gives visiting forces certain valuable ancillary privileges, such as have been granted in other countries of the British Empire. The order by its own terms applies to the forces of Belgium, Czechoslovakia, the Netherlands, Norway, and Poland; and goes on to say that it may be applied to the forces of other countries by a future order in council. It was so applied to troops of Yugoslavia.

Because of the urgent need for their presence to build and operate landing fields for our military planes, to work on the Alaska Highway, the Canol project, and for other duties, our troops were, with the consent of the Government of Canada, sent into that country soon after the United States became a belligerent without any agreement as to their status. An Order in Council dated June 26, 1942,[59] which expressly states that such action is "an interim measures," designates the United States as a power to which the Foreign Forces Order, 1941, shall apply. The regime thus established could not be satisfactory to the United States for the duration of the war, because the limitations on the powers of foreign courts-martial in Canada and the provision for concurrent jurisdiction of the local courts were inconsistent with the rights of friendly visiting forces as described by Chief Justice Marshall in the case of the schooner *Exchange*[60] and other authorities, and with the position taken by this Government in its dealings with its allies in the First World War and in the present war.

The Canadian authorities were desirous of meeting the wishes of the United States, but had some difficulty in selecting the means of doing so. They first issued a new Order in Council[61] excepting the United States from the application of the proviso to section 3 of the Foreign Forces Order. That proviso forbade the courts-martial of visiting forces to try anybody for murder, rape, or manslaughter. The new order further provided:

The application of the Foreign Forces Order, 1941, as aforesaid, to the forces of the United States of America shall not be construed as prejudicing or curtailing in any respect whatsoever any claim to immunity from the operation of the municipal laws of Canada or from the processes of Canadian courts exercising either criminal or civil jurisdiction by members of the forces of the United States of America founded on the consent granted by His Majesty's Government in Canada to such forces to be present in Canada.

Section 55 of the Supreme Court Act of Canada[62] authorizes the Governor-General in Council to call upon the Supreme Court of the Dominion for advisory opinions. Pursuant to that statute the Canadian Government, almost contemporaneously with the issue of the Order in Council last quoted,[63] asked the Supreme Court the following questions:

1. Are members of the military or naval forces of the United States of America who are present in Canada with the consent of the Government of Canada for purposes of military operations in connection with or related to the state of war now existing exempt from criminal proceedings prosecuted in Canadian criminal courts and, if so, to what extent and in what circumstances?

2. If the answer to the first question is to the effect that the members of the forces of the United States of America are not exempt from criminal proceedings or are only in certain circumstances or to a certain extent exempt, has Parliament or the Governor General in Council acting under the War Measures Act, jurisdiction to enact legislation similar to the statute of the United Kingdom entitled the United States of America (Visiting Forces) Act, 1942?

The first question, it will be observed, is one of international law as received and applied in Canada; the second one of Canadian constitutional law. Far from opposing the exemption of United States forces from the jurisdiction of Canadian courts, the legal representatives of the Dominion filed an able "factum," which we in the United States would call a brief, maintaining such exemption and urging the Supreme Court to answer the first question in the affirmative, and, if it should reach the second question, to answer that in the affirmative, too.

As the reference to the Supreme Court was a domestic Canadian affair, to which the United States was not and could not properly be a party, no representative of the United States appeared before the Court. However, at the request of the Canadian Government two unsigned memoranda were prepared and handed to that Government, setting out what the United States conceived to be the principles of international and military law applicable to our forces in Canada. The Department of Justice of Canada had these memoranda printed and laid before the Court.

The Court ordered the attorneys general of the nine provinces of Canada to be notified of the reference. Four of them appeared and opposed the exemption of United States forces.

Five judges considered the case and on August 3, 1943, rendered four separate opinions,[64] no one of which was the opinion of the Court. Let us take up in turn the answers which the learned justices gave to the first question, as to the exemption of United States forces in Canada.

The first opinion was that of Chief Justice Duff, in which Justice Hudson concurred. The Chief Justice began with the statement that, under the law of England and of Canada a soldier is subject to all the duties and liabilities of an ordinary citizen, and that this principle, except when changed by legislation, applies to all armies, domestic or foreign. He then referred to the several acts of the British Parliament with respect to visiting forces, and to the statements of the Lord Chancellor in the House of Lords and the Attorney General of England in the Commons as to the unusual character of the United States of America (Visiting Forces) Act of 1942 of the United Kingdom.[65] From these bases he reached the conclusion that, in the absence of legislation, friendly visiting forces in Canada enjoy no exemption from the criminal jurisdiction of the local courts, though in practice Canadian criminal courts do not exercise jurisdiction in respect of acts committed within the lines of the visiting forces or of offenses by one member of such forces against another.

Justices Kerwin and Taschereau, in separate opinions, took the opposite view. The former cited with approval the opinions of Chief Justice Marshall in the case of the schooner *Exchange*[66] and of Lord Atkin in that of Chung Chi Cheung,[67] and the works

[50] U. S. Department of State, Executive Agreement Series, No. 392.
[51] See note 19.
[52] Ordinances Nos. LVI and LVII of 1942, published in the Gazette of India, Oct. 26, 1942.
[53] 23 George 5, ch. 6.
[54] 3 and 4 George 6, ch. 51.
[55] Sec. 12.
[56] P. C. 2546.
[57] 23 George 5, ch. 6.
[58] 3 and 4 George 6, ch. 51.
[59] P. C. 5484.
[60] 7 Cranch 116.
[61] P. C. 2813, Apr. 6, 1943.
[62] Revised Statutes of Canada, 1927, c. 35.
[63] On April 9, 1943, P. C. 2931.
[64] Reference re Exemption of U. S. Forces from Canadian Criminal Law [1943], 4 Dominion L. R. 11.
[65] 5 and 6 George 6, ch. 31.
[66] 7 Cranch 116.
[67] [1939] A. C. 160.

of French writers on international law; and, following those authorities, concluded: [68]

"The Government of Canada having invited into the Dominion the military and naval troops of the United States of America as a part of the scheme of defense of the north half of the Western Hemisphere and, therefore, not merely for the benefit of the United States but for that of both parties and, in fact, for the benefit of all the Allied Nations in the present conflict, the invitation must be taken to have been extended and accepted on the basis that complete immunity of prosecution in Canadian criminal courts would be extended to members of the United States forces."

In an extremely able opinion Justice Taschereau reviewed judicial decisions, treaties, and international agreements, and concluded: [69]

"There seems to be a strong preponderance of authority in favor of the view that there exists a rule of international law amongst the civilized nations of the world, granting immunity to organized forces visiting a country with the consent of the receiving government."

The learned justice relied especially upon the decision of the Judicial Committee of the Privy Council in *Chung Chi Cheung* v. *The King*,[70] in which that tribunal, the final court of appeal for the British Empire, upheld the the prior right of China to try a sailor for a murder on board a Chinese public armed vessel in the territorial waters of the British colony of Hong Kong, unless that right should be waived by China. Justice Taschereau continued: [71]

"If the receiving sovereign is presumed to waive his jurisdiction as to members of the crew of a foreign ship, can it not be said that the same presumption exists as to land troops visiting a foreign country?

"This view, I think, has been implicitly accepted by the Judicial Committee, and is in accordance with the doctrine of the authors, the practice followed by the nations of the world and by the Supreme Court of the United States."

Justice Rand called Marshall's opinion in the case of the *Exchange* "a judgment of characteristic power." On the merits of the question, he took a middle position, holding members of United States forces exempt from Canadian criminal jurisdiction as to offenses committed in their camps or on their ships, except such offenses as are committed against Canadians or their property, and only to the extent that United States courts-martial exercise jurisdiction over such offenses.

All of the judges concurred in answering the second question in the affirmative, namely, in holding that the Parliament of Canada might pass an act conceding the immunity of United States forces to the criminal jurisdiction of the local courts, or that the Governor General in Council might issue an order to the same effect.

Though they all referred to the decision of the Supreme Court of the United States in the case of the schooner *Exchange*,[72] and quoted a number of French writers, the writers of the several opinions based their conclusions mainly upon English precedents and authorities. Chief Justice Duff and Justice Hudson directed their attention to the British statutes and orders in council with respect to visiting forces and concluded that they showed that the supposed rule of international law conceding the immunity of visiting forces to local jurisdiction did not exist, or, if it did, was not recognized and adopted by the law of England or Canada. Justices Kerwin and Taschereau, on the other hand, relied upon authoritative writers on international law, the agreements made during World War I, and above all on the decision of the Judicial Committee of the Privy Council in the case of Chung Chi Cheung,[73] and concluded that international law, as accepted in Great Britain and Canada, recognized the exemption of visiting forces from the local jurisdiction.

In a sense both pairs of judges were right. There is an irreconcilable inconsistency between the statement of the rights of a visiting force made by authoritative writers on international law (including those of British nationality) and by the Judicial Committee in the Chung Chi Cheung case and the rights claimed by Britain when her forces have been on foreign soil, on the one hand, and, on the other hand, the rights in fact conceded to visiting forces by British legislation other than the United States of America (Visiting Forces) Act of 1942.[74]

Pursuant to the authority which in its answer to the second question the Supreme Court held that he possessed, the Governor-General in Council on December 20, 1943, issued a new order [75] with reference to the legal position of the Armed Forces of the United States in Canada, which conceded all that the United States asked. It provided that when any member of such forces shall be detained by any Canadian authority for an offense the offender's commanding officer shall be notified forthwith. If that officer or the military or naval attaché of the United States at Ottawa shall request the release of such person he shall be released and no criminal action shall be prosecuted against him before any court in Canada. The order also provides for the compulsory attendance of Canadian witnesses before United States courts-martial in Canada.[76]

Another interesting order in council was issued July 27, 1942,[77] adding to the Foreign Forces Order, 1941, certain new sections with respect to the disciplinary position of individual members of friendly foreign forces serving in Canadian units or on Canadian naval ships. So far as this writer is aware, there have been no members of our forces so serving, and therefore the added sections do not concern the United States. Of those sections the most important is as follows:

"15. (1) In respect of a member of an associated force while he is serving in Canada with a unit or formation of the Naval, Military or Air Forces of Canada or while when serving in any of such forces he is in any of His Majesty's Canadian ships, the Canadian Service Laws relating to the Government, administration, and discipline of the said force wherein said member is serving shall mutatis mutandis apply to him while so serving as if he were a member of such Canadian Force."

As a matter of international law, the foregoing is permissible if the nation of whose forces the visiting soldier is a member consents thereto; but, as military jurisdiction is personal and not territorial,[78] this writer is unable to see any legal basis for the provision in the absence of such consent.

The order under consideration further says:

"17. Where any member of an associated force is tried by court-martial or other court under Canadian Service Laws, the court-martial may include officers of the said associated force to whom section 15 of this order applies."

Military courts having both British and American members have been set up by the Allied Military Government in Italy and Germany, and the Allies have established an International Military Tribunal for the trial of major war criminals; [79] but the section above quoted provides for a court for which, so far as this writer knows, there is no precedent, that is to say, a mixed court-martial for the trial of Allied soldiers. Its legality depends upon the coexistence with the Order in Council of authority flowing from the Allied nation for its officers to sit on the mixed court-martial, since an officer of the army or navy of one nation may not, without the consent of his own government, accept from another nation a delegation of power to sit upon a court-martial. This writer does not know whether such authority was granted.

The situation resulting from the several Canadian orders in council is substantially the same as that in Great Britain. In both countries members of the United States forces are subject to the jurisdiction of their own courts-martial, and enjoy full exemption from that of the local criminal courts, unless that exemption be waived by a representative of their own Government. Of this situation no citizen of the United States can complain. On the other hand, though members of the armed forces of other Allied nations may be tried by their own courts-martial, a Canadian order undertakes to make them subject to the concurrent jurisdiction of the local courts and to forbid their own courts-martial to try three grave crimes at all. For reasons more fully already stated in this paper, this writer regrets that Canada makes this discrimination among her allies and has not recognized what he considers the rights accorded by international law to her smaller allies.

OTHER COUNTRIES

Besides those herein enumerated, there are many other friendly countries in which armed forces of an ally have been stationed during the present war. With some of them there have been agreements, sometimes made by military rather than diplomatic representatives, dealing, inter alia, with criminal jurisdiction over visiting forces.[80] Some of

[68] At p. 33.
[69] P. 39.
[70] [1939] A. C. 160, especially at pp. 174, 176.
[71] P. 39.
[72] 7 Cranch 116.
[73] [1939] A. C. 160.
[74] 5 and 6 George 6, ch. 31. The statement in the text is merely another way of saying what the Attorney General of England admitted in the House of Commons. See this article, above, page 272.
[75] P. C. 9694.
[76] The promulgation of the above order in council was followed by diplomatic correspondence dealing with the application of the order to certain situations. The correspondence has been mimeographed as inclosures 2, 3, and 4 to a letter of The Adjutant General, U. S. Army, dated Apr. 6, 1944, to certain commanding generals (AG file 250.4 (Apr. 5, 1944) OB–S–E–M).
[77] P. C. 6566.
[78] Digest of Opinions of the Judge Advocate General, U. S. Army, 1912, p. 511, par. VIIIB; introductory sentence of the Articles of War, 10 U. S. Code 1471; (British) Army Act, sec. 159; (British) Manual of Military Law, ch. V (ii), especially sec. 15.
[79] Department of State Bulletin, vol. 13, p. 222 (Aug. 19, 1945); this Journal, vol. 39 (1945), Supplement, p. 215.
[80] Among such agreements, for detailed considerations of which space is lacking, are that between the United States and the Danish Minister at Washington concerning our forces in Greenland (Department of State, Executive Agreement Series 204; this Journal, vol. 35 (1941), supp., p. 129), and that between Great Britain and Ethiopia (Department of State Bulletin, vol. 12, pp. 200, 203). The form, though not the content, of the Greenland agreement, and the authority of the Danish Minister to make it, were discussed in this Journal, vol. 35 (1941), p. 506, by Prof. Herbert W. Briggs. By several notes passing between the Belgian Ambassador at Washington and the Secretary of State, bearing dates between March 31 and August 4, 1943, an executive agreement similar to that made with China was effected with Belgium with respect to forces of the United States in the Belgian Congo (Department of State, Executive Agreement Series, 395). In April 1943 the Government of Iraq passed a law conceding to United States forces on its soil immunity from local criminal jurisdiction and taxation. The text of the law is not available.

these agreements have not yet been made public. Either pursuant to such agreements, or to others of a less formal character, or without any agreement, members of United States forces who have committed offenses in such countries have in fact been tried by their own courts-martial, and not by the local courts.

UNITED STATES

What is the legal status of members of friendly foreign armed forces in the United States? It has been the position of the Government of the United States that, following the principles of international law laid down by Chief Justice Marshall in the case of the *Exchange*,[81] when the United States has consented to the admission of a foreign force, the courts-martial of that force may lawfully meet in the United States, try members of that force, and impose and execute sentences, and the members of such forces are exempt from the jurisdiction of the local courts, without any further consent by the United States, agreement, executive order, or statute. Friendly visiting forces possess such privileges under international law, and international law is a part of the law of the United States.[82] Therefore, the United States has enacted no statute, made no agreement, and issued no executive order expressly conceding these privileges; but, without such action, foreign courts-martial have sat in the United States, tried cases, and imposed sentence. There have been occasional cases in which members of friendly foreign forces have been arrested by local police and brought before State or municipal courts. Probably some such cases have gone to trial without the question of immunity being raised. When such claim has been made by the representatives of the nation which the arrested person served, the officers of the Federal Government have made appropriate representations to the State's attorney, the court, or the governor of the State, and in every such case the accused person has been turned over to his own forces with a view to trial by court-martial.

There are, however, certan ancillary privileges with reference to military justice which have been granted to visiting forces in foreign countries, as stated in preceding sections of this paper, which the visiting forces needed and which could not be granted to them otherwise than by legislation. Accordingly a bill was drawn and urged upon Congress by the Department of State, speaking not only for itself but for the Departments of War, Justice, and the Navy. This bill was passed and approved June 30, 1944.[83] Its title is "Act to implement the jurisdiction of service courts of friendly foreign forces within the United States, and for other purposes." It will be observed that the title itself is an implied but nonetheless clear recognition by Congress of the existence without legislation by it of the jurisdiction of service courts of friendly foreign forces within the United States. Consistently with that view and with Marshall's doctrine laid down in the case of the *Exchange*, the act does not undertake to grant to the foreign forces a right to convene courts-martial or an exemption from local courts.

Section 1 consists of definitions. Section 2 authorizes any person in the civil, military, or naval establishments of the United States having authority to arrest, upon a specific or general request of the commanding officer of a foreign force, to arrest any member of such force and deliver him to such force for trial. Section 3 provides for compulsory attendance of witnesses before foreign courts-martial and for punishment of perjury before or contempt of such a court. Section 4 provides that members of and witnesses before such courts shall have the same immunities and privileges as members of and witnesses before courts-martial of the United States. Section 5 authorizes the confinement of military prisoners sentenced by foreign courts-martial in penitentiaries, disciplinary barracks, or guardhouses of the United States. The sixth and last section of the act provides that it shall be operative with respect to the forces of any foreign state only after a finding and declaration by the President that the privileges therein provided are necessary for the maintenance of discipline. By a proclamation dated October 11, 1944,[84] the President made such a finding as to the forces of the United Kingdom and Canada. It is presumed that he would have made a like finding for the benefit of any other Allied Power having sufficient troops in the United States to make it worthwhile. The War Department of the United States has issued a memorandum[85] to our own forces implementing and explaining the act. It is understood that the Department of Justice has also issued instructions to United States attorneys and marshals on the subject.

CONCLUSION

The foregoing survey of the history of the last 3 years as to jurisdiction over friendly foreign forces shows that when our troops have been on Allied territory the United States has uniformly obtained exclusive criminal jurisdiction over them in its courts-martial. Great Britain has done the same as to her forces on friendly foreign soil. Some of our smaller allies, whose governments and forces have been in exile, have not been so fortunate. Though their courts-martial have been permitted to sit, some of the host countries have undertaken to limit the powers of those courts and have insisted on the concurrent jurisdiction of the local criminal courts over the visiting forces.

The courts of several countries have considered the problem. They have all quoted or cited Chief Justice Marshall's opinion in the case of the *Exchange*[86] nearly always with agreement and often with praise, but have shown considerable reluctance to apply Marshall's doctrine against their own country and a disposition—perhaps unconscious—to find the particular case before the court not within the scope of that doctrine.

This writer asks nothing for his own country or army which he is unwilling to concede to others. Provided the visiting forces have an efficient court-martial system, there is no practical reason why a host country should insist on trying visiting soldiers in its own courts. The fact that such nations as France and the United States have conceded full exemption from local criminal jurisdiction to their allies on their soil, and that Great Britain and her dominions have done so as to the troops of the United States, shows that there is nothing inconsistent with the dignity of a state in making such a concession. The real reason for the immunity is that it is necessary for military efficiency. That this is so may not clearly appear when the visiting forces are far from the battle front, but becomes more evident the closer they approach it. In this day when a plane can travel nearly half way round the world and drop a bomb which will wipe out a city, the country which considers itself safely remote from danger may find that its soil has in a moment become the battlefield.

In his earlier article, this writer endeavored to set forth the reasons why the immunity of the visiting forces to the local jurisdiction is necessary.[87] They were, however, far better stated by Marshall over a century and a quarter earlier. This article, therefore, can best close, as the former one began, with a quotation from the great Chief Justice:[88]

"In such case, without any express declaration waiving jurisdiction over the army to which this right of passage has been granted, the sovereign who should attempt to exercise it, would certainly be considered as violating his faith. By exercising it, the purpose for which the free passage was granted would be defeated, and a portion of the military force of a foreign independent nation would be diverted from those national objects and duties to which it was applicable, and would be withdrawn from the control of the sovereign whose power and whose safety might greatly depend on retaining the exclusive command and disposition of this force. The grant of a free passage, therefore, implies a waiver of all jurisdiction over the troops during their passage, and permits the foreign general to use that discipline, and to inflict those punishments which the government of his army may require."

Mr. FERGUSON. Mr. President, I believe that world conditions today place the United States in a new position. We have troops stationed within the borders of various other nations. It is true there are not many troops from other nations in our land, and in that respect we are fortunate, for the enemy of the institutions of America, the American people, and the rest of the free world is the Communist Soviet Union, which is remote from our shores; so America is in the position of not being so near as are the other nations of the NATO to what may be called the tinderbox or the keg of dynamite. Therefore, there is no need for their troops to be here; but, because of necessity, we find ourselves having troops in other lands.

A reading of the NATO Treaty discloses no provison exactly applicable to the occupation of NATO countries by our troops. We must remember that the mere existence of the NATO does not solve the problem which confronts us in connection with this treaty. We are dealing with sovereign states, and the other NATO countries are also dealing with a sovereign state, namely, the United States of America. So, we must start with the proposition that without the consent of the other NATO countries America would not have the right to have any troops within their borders. In fact, they might even keep out civilians, by virtue of their immigration laws—and they do, just as we have the right to do and as we have done.

We are dealing with sovereign nations for mutual defense. We have troops in other countries—although I do not believe they should be there without the consent of Congress, as a constitutional proposition—by virtue of their consent. We are not there because we are conquerors in a war. Our troops are not in those countries as an occupation force. Each sovereign state must give due consideration to the way we maintain our position there.

The presence of our troops in foreign lands is, in my opinion, to the advantage of America. Having troops, airfields, and harbors in foreign lands is for the benefit of the security of America. The harbors enable our armed vessels to touch upon the shores of other countries. If I did not think that was for the benefit of the

[81] 7 Cranch 116.
[82] *The Paquete Habana*, 175 U. S. 677, 700.
[83] 58 Stat. 643, 22 U. S. Code 701–706.
[84] Proclamation 2626, 9 Fed. Reg. 12403.
[85] Memorandum No. 650–45, War Department, February 19, 1945, Jurisdiction over British and Canadian Forces in the United States.
[86] 7 Cranch 116.
[87] This Journal, vol. 36 (1952), p. 539, especially at pp. 548, 549, 560.
[88] 7 Cranch 116, at p. 139.

security of America I do not see how, under the Constitution, we could really give military aid to those countries. But, inasmuch as we have the right, by virtue of consent, to station troops in those countries, we must enter into agreements with them as to how our troops are to maintain their position and the regulations which shall govern them, and, likewise, with respect to any troops they may have in America.

The question is not a new one. Back in 1949 some of the countries of Europe found that it was necessary to have an international agreement. By far the most important international agreement of this kind which had been reached is that negotiated and approved by the Brussels Treaty Powers on December 21, 1949. Each of those powers—France, Luxembourg, the Netherlands, Belgium, and the United Kingdom—is a signatory of the North Atlantic Treaty, and of the instant agreement.

The 1949 agreement, relating to the status of members of the armed forces of the Brussels Treaty Powers, is designed to accomplish the same purpose as the pending agreement. The consideration accorded by that treaty to the question of criminal jurisdiction over the visiting forces is the most revealing demonstration possible of the attitude of those nations toward the applicable principles of international law.

So, Mr. President, this is not a new question. Reference has been made here today to what Justice Marshall said the international law was with respect to troops passing through a country. His decision related to a vessel which had put into the port of Philadelphia. He announced some dicta as to what would be applicable, so far as international law was concerned, to troops moving through a country. But we must always be mindful of the fact that, as the world stands today, international law so far as any particular nation is concerned is only the law which that nation will recognize as international law.

I am sure no one in this country will dispute that in America we believe we live under a government of law, not a government of men. I believe, as I am sure every other Member of the Senate believes, that the principles of our criminal law are the most just of any applied anywhere in the world. They are fundamental with us. The presumption of innocence, the fact that a person must be proved guilty beyond a reasonable doubt, the confrontation of the defendant by witnesses, the jury trial, and the unanimous verdict of a jury, these and all the other great principles of our criminal law are available to every American from the humblest to the highest, because in America we have equal justice under law. Anyone who passes the Supreme Court Building can see chiseled into the front of it the words "Equal justice under law." Our country is founded on those principles. I for one in my native land would not want to relinquish any of those principles.

If I had been charged with the responsibility, I would not have negotiated such a treaty. I believe it shows those who negotiated it, even though they may have been lawyers, were not mindful of the very fundamentals which the Senator from Ohio has discussed. When the treaty, or agreement, came before the Committee on Foreign Relations I asked many questions. Even though Chief Justice Marshall stated, as a principle of international law, that if one country permits the army of another country to pass through its land, such army is subject to the discipline and laws of the army and of the country from which it came, not of the country through which it passes—that is the implied principle. Chief Justice Marshall did not state that the country through which the army marched had to allow the foreign army to pass through, or that if it did pass through, the country allowing the transit could not apply any rules or regulations it desired to apply.

That is exactly what the Brussels Treaty stated back in 1949.

To show that Great Britain did not recognize international law as we did, it passed a law, which is about to expire, permitting us to have extraterritorial jurisdiction in Great Britain. We all remember the Boxer Rebellion and the principle of extraterritoriality as applied to China. Within the past few years we have abandoned the right to extraterritorially in China. We feel that the law of the land should apply.

Mr. President, if it were not for the fact that America believes it is for the benefit of America's defense that she should have troops stationed in foreign lands, she would not have troops stationed in them today.

Of course, the foreign nation should be reasonable. It has been suggested by the Senator from Ohio [Mr. BRICKER] that we should not surrender the rights to which we are entitled. But the fact is we are not surrendering them except upon the condition that we may station our troops in those foreign lands.

The foreign nation concedes that while a soldier is in camp or while he is in the line, or performing his duties the treaty gives the military authorities jurisdiction over him. If the soldier is operating within the scope of his employment as a soldier, the military laws of America apply. However, outside of such exceptions the treaties specify that certain principles shall apply.

There is a reservation in the treaty—at least I consider it as a reservation—under which we reserve the right to stop at our borders any military man, whether or not he is wearing a uniform, if we believe it would be prejudicial to the safety and security of our country to have that person present in the United States, and therefore no person whose presence is deemed to be prejudicial to the safety or security of our country can enter or remain in the United States.

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

Mr. FERGUSON. I yield.

Mr. COOPER. A moment ago the Senator referred to the surrender of rights under the treaty. It seems to me that the whole crux of the argument is whether we are surrendering any rights in this treaty.

If the concept of the distinguished Senator from Ohio [Mr. BRICKER] is followed, that the United States has the same jurisdiction over its troops in Europe or in any foreign land that it has in the United States for violations against the nationals of the host country then the treaty can be construed as a surrender, a derogation or limitation of rights of our country and soldiers. It could be condemned as such by the country. That is one view.

The other concept is that the United States does not have full judicial jurisdiction over its forces outside of this country, in peacetime for such offenses, except as negotiated by agreement. If this is the correct view—and I believe it is—then the treaty does not reduce or limit any rights. To the contrary, it enlarges rights, it gives rights which we do not have under international law.

I should like to have the view of the Senator from Michigan on the question, because it is an important issue.

If the people of America are led to believe that in this treaty our country has surrendered its rights under international law, then every one supporting the treaty would be condemned by the people. They would feel that American soldiers in foreign countries had been endangered.

That is not the view that should be held, unless it is the corect view. I do not think it is the corerct view.

Mr. FERGUSON. I would say that America has no right to have any of its soldiers on any foreign soil without the consent of the country involved. We start with that principle. If we start with that principle, namely, that we have no right to occupy a country or to have soldiers in that country, that country has the right to say we may occupy the country or have soldiers stationed there, provided the foreign country establishes certain conditions.

Therefore, by mutual agreement both nations have sacrificed and do sacrifice a part of their sovereignty. First, they need not allow us to enter; second, we do not have to enter. They can place conditions upon our entry, as we can determine conditions under which we will enter. I believe there has been a surrender by both, in that we are allowed to go in by the consent of the other nation.

Mr. COOPER. Apparently we are in agreement. I ask the Senator whether it is his view under international law that our country does have the same jurisdiction in peacetime over its troops in a foreign land, who commits offenses against a national or the property of that country, as it has over its troops in the United States.

Mr. FERGUSON. I am not positive that we have ever passed a law, or even that we could pass one, to take military jurisidiction over persons who are outside the jurisdiction of our land.

Mr. COOPER. I wish we did have military jurisdiction over all our troops who are stationed in foreign lands. However, we are dealing with principles of law. If under international law we do not have such jurisdiction over them, we cannot assume that we do and we cannot force our sovereignity upon another country. Of course, if the argument is based upon this presumption, which I do not think is a true presumption, then the people may be made to believe that

in some way we have wronged our own troops by this treaty.

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

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from Michigan yield to the Senator from Maryland?

Mr. FERGUSON. I yield.

Mr. BUTLER of Maryland. Are not we going to make every effort to maintain jurisdiction over our own forces, rather than simply to say that we do not have jurisdiction over them? Certainly there is just as much argument on the other side, namely, that we do have jurisdiction over them.

Mr. FERGUSON. Yes. But does the Senator from Maryland maintain that if a murder were committed tonight in Paris by an United States citizen, not a United States soldier, that citizen could not be tried in French courts for the commission of that crime?

Mr. BUTLER of Maryland. No. But if United States troops are stationed abroad such in my opinion would not be the case. I suggest we should if necessary establish courts abroad to see that justice is done according to our system.

Mr. FERGUSON. We can do that only if the foreign country permits us to set up an extraterritorial court having jurisdiction to try our own citizens while they are in that country. We gave up that right in the case of China.

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

Mr. FERGUSON. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. I should like to respond to the Senator from Maryland. I do not approve the surrender of the jurisdiction of the United States. But we must face the facts—what is the jurisdiction of the United States? I have not been able to find any rule of international law giving the United States complete jurisdiction over United States troops stationed in foreign countries in peacetime.

Mr. FERGUSON. That is what I was saying.

Mr. COOPER. In time of war our troops are under the rule of our code of military justice. If we should occupy a country then under the rules of land warfare, as the occupier of the country we can impose its jurisdiction.

But this treaty deals with other sovereign states, countries, members with us in the North Atlantic Treaty Organization. As the Senator from Michigan has said, it must be a process of agreement.

The reason for saying that it is not the law that we have the right of criminal jurisdiction over our troops when they are stationed in other sovereign countries in peacetime, is, first of all based on the fact that each nation is sovereign in its territory. We would not for a moment agree that another country could send its troops into the United States and try its troops for crimes committed in the United States against our people and property. None would agree to that idea.

It is a fact that throughout our history we have found it necessary to negotiate such agreements in regard to jurisdiction. That fact is proof that we have not claimed such jurisdiction.

If, as the Senator from Maryland has said, we have full criminal and civil jurisdiction over our troops when they are stationed in foreign countries in peacetime, there would be no necessity for such agreements. In this discussion we must face that one issue of the actual extent of our jurisdiction.

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

Mr. FERGUSON. I yield.

Mr. BUTLER of Maryland. Until the last 6 or 8 years it was never considered by anyone that when United States troops moved to other countries, they did not carry with them the full sovereignty of the United States. We have gotten these agreements only since we have had "soft" negotiators who are willing to give away the rights of our people. I say the time has come to stop it.

Mr. KNOWLAND. Mr. President, will the Senator from Michigan yield at that point?

Mr. FERGUSON. I yield.

Mr. KNOWLAND. If that be so, why did we enter into an agreement with the British, and get the British to pass a special act in that connection? If we had that power ipso facto, nothing needed to be done. But why was it done in World War I and in World War II?

Mr. BUTLER of Maryland. I prefaced my remarks by saying that it was done only in recent years. We have not taken such action in the course of other wars, during which our troops were in many foreign countries.

Mr. HENDRICKSON. Mr. President, will the Senator from Michigan yield to me? I should like to ask a question of the Senator from Kentucky.

Mr. FERGUSON. I yield for that purpose.

Mr. HENDRICKSON. It is true, is it not, that we have sovereign rights over our troops who now are in Germany, under the rules of land warfare?

Mr. COOPER. I wish we did——

Mr. HENDRICKSON. Will the Senator from Kentucky answer my question?

Mr. COOPER. I am going to.

Mr. HENDRICKSON. Very well; I am sorry.

Mr. COOPER. Today Western Germany is not an occupied territory We do not have any jurisdiction over the German people under the rules or the laws which apply in the case of an occupied territory. An agreement has been made between Western Germany and the occupying powers. I do not know in detail these agreements, but I believe that our jurisdiction to try our troops stationed in Western Germany for violations against German nationals are rights arising because of the agreements, implied or express, between that State—the Republic of Western Germany—and the United States.

Mr. HENDRICKSON. We are an occupying Nation there until that treaty is fully ratified, are we not?

Mr. COOPER. I do not know the exact relationship today between the Republic of Western Germany and the United States, but I believe the Republic of Western Germany has been restored its attributes of sovereignty.

Mr. HENDRICKSON. I can say that until a few years ago, I was in Germany in uniform, and the United States then had sovereign control over the United States troops stationed there.

Mr. FERGUSON. But at that time we occupied Germany.

Mr. HENDRICKSON. That is true. That is the point I was endeavoring to make.

Mr. FERGUSON. I think it is clear, as a constitutional principle, that the Constitution of the United States does not have an extraterritorial effect in the case of other sovereign nations.

However, if for instance we occupied Germany as the result of a war, and if we had taken possession of Germany, we would have jurisdiction over our troops in Germany, under those circumstances.

The example I gave was that of a sovereign state. In such a case could we, by virture of our laws and Constitution, take jurisdiction over a United States soldier who committed a crime by violating one of the laws of the foreign country, not one of the laws of the United States?

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

Mr. FERGUSON. I am glad to yield.

Mr. BRICKER. The Senator recognizes, does he, that under the military code, all crimes against the law of the country in which our occupying forces are located are crimes against the military code of the United States.

Mr. FERGUSON. Yes, and I have said that those in the Military Establishment of the United States, wherever they may be, are governed by the military code of the United States, which gives the military authorities full and complete jurisdiction to try accused persons.

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

Mr. FERGUSON. I yield.

Mr. BRICKER. Is it the Senator's contention that in the absence of the treaty, there is no such thing as international law in the field of jurisdiction over our forces that are stationed abroad?

Mr. FERGUSON. I say that international law is merely what the sovereignty will recognize to be the international law. That is what causes all our trouble.

Mr. BRICKER. Does the Senator from Michigan mean the sovereign receiving state?

Mr. FERGUSON. Yes.

Mr. BRICKER. Does that apply to crimes committed under the military law, as well as to crimes committed under or against the law of that country?

Mr. FERGUSON. If that country wished to exercise that jurisdiction.

Mr. BRICKER. Does that mean the foreign country could take control of our troops, if they were charged with violating the miltiary code or the military law?

Mr. FERGUSON. That is correct, and there would not be any remedy except war. That is the only way international law can be enforced as of today.

Mr. BRICKER. I thank the Senator from Michigan. I may say that if that

is the international law, we had better get our troops out of these countries.

Mr. FERGUSON. Well, it is the international law.

Mr. President, it has been suggested that if a man were tried under the jurisdiction of the military code, the President of the United States could pardon him, inasmuch as the President is the one who, under our laws, has the ultimate power of pardon.

By means of the pending treaty we are attempting to do the best we can. I am told—and I cannot find any contrary evidence—that this is the best treaty dealing with the treatment of our troops we can negotiate. But we wish to attach an explanation or a warning not only to our own commanders—our generals or admirals, as the case may be—but to everyone, so that all may understand that, after all, we want our forces that are stationed abroad to have the benefit of real justice. There is one way by which it can be done. That is by serving notice on the countries in question, as we propose to do by means of a reservation. Let me read it to the Senate, to see whether we have done the best we can do:

The criminal jurisdiction provisions of article VII do not constitute a precedent for future agreements.

That is always true as a legal proposition. If we pass a law today, we may repeal it tomorrow. It does not become a precedent. If we ratify a treaty today, we may refuse to ratify an identical treaty with any other nation tomorrow. There is nothing in the reservation that would foreclose the right of the Senate and of the Congress to act. But in order to make our position certain, to warn all nations, and in order that there may be no misunderstanding as to whether this would be regarded as a precedent, we say to them that it is not to be understood as establishing a precedent. The people of the European countries may not have an understanding of our law, and therefore may think that if we were to make a treaty of this kind with one nation or with one group of nations, we would be obligated to make similar treaties with all other nations. We therefore say in no uncertain words, and we write it in the sky, so that he who runs may read—

The criminal jurisdiction provisions of article VII do not constitute a precedent for future agreements.

2. Where a person subject to the military jurisdiction of the United States is to be tried by the authorities of a receiving state, under the treaty, the commanding officer of the Armed Forces of the United States in such state shall examine the laws of such state with particular reference to the procedural safeguards contained in the Constitution of the United States.

I would say to the American Supreme Commander of the NATO forces in Europe that he should have at his side one of the best criminal lawyers of the United States of America, a lawyer fundamentally versed in all the criminal laws of the United States, who understands them and who believes in them, to the end that this provision may be properly applied.

There is no doubt that the Senator from Ohio is correct in suggesting that a very serious situation could result from the execution of one American soldier in a foreign land. It could cause great trouble in the United States of America. We know what happened recently when a man and his wife were tried in this country on charges of treason as the result of subversive activities. People around the world rose up in protest, claiming that the defendants in that case had not had a fair trial under just laws; but we all knew that that was not true. We are not unmindful of such occurrences. Similar charges may be made with respect to our administration of military justice. Within the United States, such things have been said of our courts; and a large number of people even marched to the Supreme Court of the United States to register their indignation against what they thought was a miscarriage of justice—not what they thought, but what they had been told by a foreign power, namely, Red Russia. But there are other trials that do not involve communism, as to which there are protests because of alleged injustices.

Mr. President, this is a warning to our commanding officer in Europe to look into the situaton. What does the third paragraph say? It goes even further. I read:

If in the opinion of such commanding officer, under all of the circumstances of the case, there is danger that the accused will not be protected because of the absence or denial of the constitutional rights he may enjoy in the United States, the commanding officer shall request the authorities of the receiving state to waive jurisdiction in accordance with the provision of paragraph 3 (c) of article VII—

That would require the receiving state to give sympathetic consideration to such requests. What would happen in case such sympathetic consideration were not given? What would happen in case the prisoner were not turned over to us? I read:

and if such authority refuse to waive jurisdiction, the commanding officer shall request the Department of State to press such request through diplomatic channels, and notification shall be given by the executive branch to the Armed Services Committees of the Senate and House of Representatives.

That is just about as far as I think we could go. We say to the commanding officer, "If the rights of this man are not protected, notify the Secretary of State, and he will make and will press a request for waiver." Furthermore, if there is a refusal to grant a waiver, the Secretary of State will notify the Congress to that effect. I read further:

A representative of the United States will attend the trial of any such person by the authorities of a receiving state under the agreement, and any failure to comply with the provisions of paragraph 9 of article VII of the agreement, shall be reported to the commanding officer of the Armed Forces of the United States in such state who shall then request the Department of State to take appropriate action to protect the rights of the accused, and notification shall be given by the executive branch to the Armed Services Committees of the Senate and House of Representatives.

I think the provisions of the treaty as written go about as far as we could go in a treaty. I come back to the proposition that our troops enter the NATO countries by consent; they go there in connection with what we believe to be the protection of our interests. Therefore, if a plea were made by the Secretary of State—a plea which, in effect, would mean that the President of the United States was saying to the receiving nation, "We believe that this trial is not proceeding in accordance with the rules of justice, according to the rights this person would have under the Constitution of the United States, and I ask you to waive jurisdiction in order that he may be tried under the military code of the United States"—would any one of the NATO nations refuse? The question will be answered by saying that it may refuse, since it is a sovereign nation. But if that nation is mindful of the welfare of its people and the welfare of the free world, and if our commanding officer does his duty and has proper legal advice enabling him to distinguish between what is justice and what is not, and to understand what is correct procedure and what is not, we would have no trouble. But it may be that under certain circumstances our position in a given nation might be such that that nation would refuse to comply with the request for a waiver. If that were to occur, it would then be for us as a nation to make a choice. The choice obviously would have to be determined by answering the question as to whether the incident justified the withdrawal of our troops. The people of the United States, through their Executive, can determine that.

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

Mr. FERGUSON. I yield.

Mr. BRICKER. Does the Senator from Michigan think that the NATO countries, to whom we have been furnishing several billion dollars a year and in which our military forces are stationed in order to defend those nations and our Nation, should refuse, under those circumstances, to give the American military commanders jurisdiction over our boys so that they may have the protection of the Constitution of the United States?

Mr. FERGUSON. I am saying that I think they would grant it.

Mr. BRICKER. I merely wanted to get accurately the position of the Senator.

Mr. FERGUSON. I would be greatly disappointed and would be the first to rise upon this floor and denounce any nation that refused to waive jurisdiction if they were not going to accord justice to the American soldier in compliance with provision No. 2 which I have read.

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

Mr. FERGUSON. I yield.

Mr. DWORSHAK. Does the Senator from Michigan know whether there is great urgency for the consideration of this treaty,

Mr. FERGUSON. I am informed that there is. The representatives of the military authority and of the State Department have told me that there is urgent need for it. The difficulty is that we are operating under an Executive agreement

which is rather indefinite and uncertain. I placed in the RECORD sentences of soldiers in Europe under NATO. I consider that in most cases the sentences were light, considering the crimes which had been committed. Without this agreement we will be proceeding under the Executive agreement. If we are without this agreement, the foreign nations have full jurisdiction, and our only remedy is to withdraw or to fight; and I cannot conceive of that at the present time.

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

Mr. FERGUSON. Yes.

Mr. DWORSHAK. Apparently, the treaty or agreement was signed in London on June 1, 1951, more than 2 years ago. Does the Senator from Michigan know why this agreement has not been submitted to the Senate for consideration and ratification prior to this time?

Mr. FERGUSON. I am informed that it was submitted last year. I shall be glad to supply that information.

Mr. DWORSHAK. I have great confidence in the ability of the Senator from Michigan to analyze some of these very difficult issues, and I should like to have some assurance from him as to the justifiable reason, if there may be a justifiable reason, why this particular agreement has not been submitted to this body during the 2-year interval since it was signed in London?

Mr. FERGUSON. I shall try to get the date.

Mr. DWORSHAK. I should like to have the Senator's own comment and his own assurance.

Mr. FERGUSON. It was submitted to the Senate June 16, 1952, by the then President, Mr. Truman.

Mr. DWORSHAK. Why was there that interval between June 1951 and June 1952?

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

Mr. FERGUSON. I yield.

Mr. KNOWLAND. Congress was not in session after the conventions of last year. I will say to the distinguished Senator from Idaho that messages have been received from not only General Ridgway but from his successor General Gruenther, who, when he was last in Washington, before going back to Europe, personally told me that he felt the agreements were an essential part of the NATO defense organization.

I have messages on my desk from Admiral Carney and from the commander of our Air Force in Europe. The testimony given before the committee by representatives of the Department of State and of the Defense Establishment is very clear that the agreement is essential.

I should like to read into the RECORD a letter dated July 9 from the Secretary of Defense, Mr. C. E. Wilson, which reads as follows:

DEAR SENATOR KNOWLAND: I know you are aware of the critical importance which the Department of Defense places on ratification of the NATO Status of Forces Agreement at this session of the Congress and how failure of ratification could seriously affect the United States military position in Europe. This has been strongly confirmed by recent cables from our European commanders. These cables were furnished to Senator TAFT by the attached letter, which I think you should have in his absence.

The Department of Defense stands ready to furnish whatever assistance—including witnesses, statements, or background material—you think would be helpful to obtaining favorable action.

Relative to the interpretation which the Senator from Michigan has been discussing, I think the Senate should be thoroughly advised as to its origin. There were some questions raised before the Committee on Foreign Relations and, at the request of some of the members of that committee, the Attorney General was asked to submit comment. It was submitted to the committee, but it was not deemed by the committee to be satisfactory.

The distinguished senior Senator from Ohio [Mr. TAFT], the majority leader of the Senate, whose place I am temporarily taking during his absence, revised the language which had been submitted by the Attorney General of the United States. After it was revised substantially in the form in which the Senator from Michigan has read it, the matter was taken up with the State Department and further exchanges and discussions were had with the staff of the Foreign Relations Committee.

It came back at a meeting several days ago when a number of Senators from both parties were present, and at that time the suggestion was made that we add a proviso that when certain steps were taken, the Congress of the United States should be notified through the Armed Services Committees of the Senate and the House of Representatives. The part of it which had not been seen by the senior Senator from Ohio I personally sent to him by Mr. Jack Martin when he went to New York to see the Senator from Ohio. I later received a telephone message from my office which said:

Mr. Martin, Senator TAFT's administrative assistant, called from New York. He said Senator TAFT had looked over the Status of American Forces Agreement and says it is all right.

That is what the Senator from Wisconsin [Mr. WILEY] presented as an interpretation of the agreement.

I wanted the Senator to have that background and the Senate to have that information.

Mr. DWORSHAK. I thank the Senator from California for the information.

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

Mr. FERGUSON. I yield.

Mr. DWORSHAK. Does the Senator know whether any of the other signatory nations of NATO have ratified this particular agreement?

Mr. FERGUSON. The agreement provides that it will go into force 30 days after four signatory states have deposited their instruments of ratification with the United States Government. It was ratified by France in 1952; by Norway on February 26, 1953; by Belgium on February 7, 1953. It has been ratified by four nations.

Mr. DWORSHAK. Three or four?

Mr. FERGUSON. By three nations. It becomes effective after four nations ratify it.

I am advised by the Senator from Massachusetts [Mr. SALTONSTALL] that Great Britain and Canada have ratified it subject only to orders in council, waiting for United States ratification.

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

Mr. FERGUSON. I yield.

Mr. MANSFIELD. Is it true that under the NATO agreement the treaty will be in force for 20 years?

Mr. FERGUSON. Yes.

Mr. MANSFIELD. Is it true, also, that if any one nation in the organization is attacked, all other nations in the organization must come to its aid?

Mr. FERGUSON. Not "must." I think it is discretionary. It is considered in the treaty as being an attack upon that nation.

Mr. MANSFIELD. Does the appendix or protocol which the Senate is considering look toward strengthening the relationships of NATO nations on a reciprocal basis?

Mr. FERGUSON. I think so. I believe the purpose is to have an understanding in writing by way of treaty, so that the United States and foreign countries will have something specific. The United States now finds itself in the position of having nothing in writing, or at least it has executive agreements. Therefore, I have simply come to the conclusion that it is better to have something in the nature of a treaty, and to accept it as a treaty, the law of the land, rather than to allow the situation to be open at both ends by having our military personnel subject to no care taken by a commanding officer, or to an order that the President, through his Secretary of State, shall proceed to obtain waivers, with no notice being given to Congress through its committees.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. FERGUSON. I yield.

Mr. MANSFIELD. Under the reservation proposed by the Senator from Ohio [Mr. BRICKER], United States law would apply only to United States soldiers in any country included in the agreement. Is that correct?

Mr. FERGUSON. That is correct.

Mr. MANSFIELD. By the same token, the law applicable to foreign soldiers in the United States would be the law of the country which those soldiers represented, would it not?

Mr. FERGUSON. The Senator is correct.

Mr. MANSFIELD. In other words, the reservation proposed by the Senator from Ohio, if it be accepted, would mean that the United States would have extraterritoriality. Is that correct?

Mr. FERGUSON. That is correct.

Mr. MANSFIELD. If we have extraterritoriality, does not that mean that we would give up a certain degree of our own sovereignty?

Mr. FERGUSON. That is correct. I asked that question of the legal adviser of the State Department in relation to a person in, for instance, Detroit, or the State of Michigan, as to what the jurisdiction was. If the reservation of the Senator from Ohio should be accepted, I believe the United States would have to give extraterritoriality effect to try

persons under that law. I do not think there is any doubt about it.

Therefore I have come to the conclusion that it is better to have the treaty, with what the Committee on Foreign Relations now states as the interpretation of the consent and ratification, than it is to have our personnel in foreign lands, as at present, subject to no jurisdiction except the will of a foreign nation.

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

Mr. FERGUSON. I yield.

Mr. KNOWLAND. In view of the fact that in his previous letter to me the Secretary of Defense referred to his letter to the senior Senator from Ohio [Mr. TAFT], I should like to read the letter from the Secretary of Defense to the senior Senator from Ohio, as follows:

THE SECRETARY OF DEFENSE,
Washington, June 23, 1953.

Hon. ROBERT A. TAFT,
United States Senate.

DEAR SENATOR TAFT: As you know, the Senate Foreign Relations Committee is now conducting hearings on the treaty to regulate the status of our forces stationed in the NATO countries. Ratification of this treaty is important to this Department from the purely military point of view. It will provide a modus vivendi for our soldiers in Europe, since it clearly establishes and safeguards their rights and duties. It makes the problem of adjustment to living in a foreign country on good terms with its population much easier.

Recent cables on the subject from General Ridgway, Admiral Carney, and General Norstad urged immediate ratification. These cables (copies of which are attached) indicate that failure to ratify the agreement at this session of Congress would—

(a) Have an adverse effect on the entire United States military position in Europe;

(b) Impede present negotiations for United States operating rights in NATO countries;

(c) Undermine existing good interim arrangements concerning status of forces;

(d) Show United States lack of confidence in the good faith and intelligence of its allies;

(e) Seriously impair the effectiveness of American leadership; and

(f) Set the United States back considerably in providing for our operating effectiveness and for the well-being of American forces overseas.

I also wish to point out that failure of ratification at this session would require the negotiation of further interim arrangements. For example, we have no formal arrangements covering United States forces which are or might be stationed in Norway, Denmark, Italy, (except for the line of communications), Greece, Turkey, Belgium, the Netherlands, and Portugal.

Negotiation of interim arrangements that are as advantageous as the NATO Status of Forces Agreement will be very difficult. A number of countries have already stated that they cannot legally guarantee as many of the benefits of the Status of Forces Agreement, prior to its ratification, without separate legislation, which would be very difficult to obtain.

I believe that your strong support of this treaty is essential to guarantee favorable action. I am prepared to make available any additional witnesses necessary to assure Senate support of the aims and objectives of this treaty and to achieve early as possible ratification.

Sincerely yours,

C. E. WILSON.

I cannot stress to strongly the urgency, as described by officials of the Department of State and the Department of Defense, of the prompt ratification of the treaties without the disabling reservation which would send them back for renegotiation.

Mr. FERGUSON. I am satisfied that if the Bricker reservation, or at least a substantative change in language and in the intent of the treaty, were included, renegotiation would be required. Therefore, would it not be better to accept the treaty with the safeguards it contains, with the proceedings it requires our commanding officers to follow, in giving notice to the Department of State, and what it requires the President to do, through the Secretary of State, by giving notice to Congress, rather than to allow the matter to remain wide open, with the right of any of the nations to do as they saw fit under their criminal laws?

Each and every Senator is called upon to perform his duty. As I see my duty today, it is to vote for this treaty. From what I have learned from our military authority, including messages I have read from several officers and the Secretary of State, I believe it would be much better for the United States to ratify the treaty without the proposed reservation.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks a statement I have prepared entitled "Immunity of Friendly Foreign Forces Under International Law."

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

(See exhibit 1.)

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

Mr. FERGUSON. I am glad to yield.

Mr. HENDRICKSON. I am certain the Senator from Michigan is aware of the fact that under the bilateral agreements the United States experienced some unhappy situations abroad.

Mr. FERGUSON. Under what are known as the bilateral or executive agreements.

Mr. HENDRICKSON. Executive agreements, yes.

Mr. FERGUSON. Yes, I think that is true, because there was such uncertainty that no one knew exactly what might happen.

Mr. HENDRICKSON. Does the Senator from Michigan feel that this treaty will improve the situation?

Mr. FERGUSON. I believe it will.

Mr. HENDRICKSON. In other words, it is the lesser of two evils?

Mr. FERGUSON. That is how I view the situation. Our troops are now abroad without any agreements except the bilateral agreements, which are, at best, executive agreements, and are not as certain or definite as the treaties.

Mr. HENDRICKSON. I thank the Senator.

EXHIBIT 1

IMMUNITY OF FRIENDLY FOREIGN FORCES UNDER INTERNATIONAL LAW

The argument in favor of the immunity of friendly forces stationed in another country usually begins with the opinion of Chief Justice Marshall in the schooner *Exchange* case. (The *Schooner Exchange* v. *McFaddon and others* (7 Cr. 116).) That case is largely irrelevant. It did not involve troops at all; it involved a French warship which had put into Philadelphia under stress of weather, and the point which it decided was that the vessels of foreign sovereigns are exempt from the jurisdiction of local courts.

Obiter dictum, however, the Chief Justice took occasion to discuss other immunities, and one of those he mentioned was that of "the troops of a foreign prince." If another sovereign exercised jurisdiction over these troops, Marshal said, "the purpose for which the free passage was granted would be defeated, and a portion of the military force of a foreign independent nation would be diverted from those national objects and duties to which it was applicable, and would be withdrawn from the control of the sovereign whose power and whose safety might greatly depend on retaining the exclusive command and disposition of this force. The grant of a free passage, therefore, implies a waiver of all jurisdiction over the troops, during their passage, and permits the foreign general to use that discipline, and to inflict those punishments which the government of his army may require."

Overlooking for the moment the fact that this is dicta pure and simple and that it has been magnified out of all proportion to its original importance, let us examine exactly what it was Marshall said. He spoke of "the free passage" of troops and the "waiver of all jurisdiction over the troops, during their passage." This has to do with the movement of troops, somewhat analogous to the shipment of goods in bond from one country to another through the territory of a third. Marshall could not, in 1812, have conceived of a situation in which large numbers of troops would be stationed for long periods of time in the territory of friendly foreign powers under a multilateral agreement for mutual defense.

Friendly armed forces can enter a foreign territory only with the consent of the sovereign of the territory which they enter. Chief Justice Marshall held that the act of consent implied a waiver of jurisdiction. However, he recognized that "without doubt, the sovereign of the place is capable of destroying this implication."

In other words, the receiving state may, if it wishes, attach conditions to its consent and among these may be something less than a complete waiver of jurisdiction. The NATO countries have chosen to attach a condition.

The reason that Marshall gives for clothing the troops with immunity is that it implies "permits the foreign general to use that discipline, and to inflict those punishments which the government of his army may require."

This suggests a distinction between the jurisdiction of the foreign general, in order to maintain discipline, and the normal territorial jurisdiction of the state through whose territory the troops are passing. Ordinarily, a nation will allow only its own courts to exercise any sort of jurisdiction within its territory; but this exclusive jurisdiction is waived to the extent that a friendly foreign force is allowed to exercise jurisdiction over its own members. This privilege, however, does not preclude the receiving state from also exercising the jurisdiction inherent in its territorial sovereignty. The authorities recognize this distinction, as I shall show in a moment, and so does the Status NATO of Forces Treaty.

The Marshall dictum of the schooner *Exchange* case was cited with approval by Mr. Justice Field, also obiter, in two Civil War cases decided by a divided Court. These were *Coleman* v. *Tennessee* (97 U. S. 509) and *Dow* v. *Johnson* (100 U. S. 158). The first concerned the criminal jurisdiction of the courts of Tennessee over a member of the occupying Union army. The second concerned the civil jurisdiction of the courts of Louisiana over a Union officer during the occupation. Both cases arose during time of war and are obviously irrelevant to peacetime.

The Supreme Court again discussed the question of jurisdiction over foreign troops—and again it was obiter dictum—in *Tucker* v. *Alexandroff* (183 U. S. 424). This case, decided in 1901, involved the interpretation of an 1832 treaty with Russia and the question of whether or not American courts could return to the Russian authorities a deserter from the Russian Navy. This is a vastly different question from that which is involved in the reservation of the Senator from Ohio.

These four cases which I have cited are the only decisions of the United States Supreme Court which touch on the question before us. They are all irrelevant to that question, and are not at all persuasive.

Friendly foreign troops have rarely been in the United States in large numbers or for long periods; so it is not surprising that the question has not arisen directly. Let us, however, examine also the rulings of foreign courts and of international tribunals as well as the international agreements which we have heretofore entered into with other nations and which other nations have made between themselves.

The only conclusion which can logically be drawn from such an examination is that there is no general recognition of a complete immunity, under international law, of friendly foreign forces from the jurisdiction of local courts.

Without exception the cases cited by writers who argue that there is a complete immunity were limited to narrower issues. One of the cases, for example, *Chung Chi Cheung* v. *The King*, involved a crime committed on board a Chinese maritime customs cruiser in the territorial waters of Hong Kong. Another (the Casablanca case before the Permanent Court of Arbitration at the Hague) concerned the relative rights of two powers, France and Germany, both of whom enjoyed extraterritoriality, by treaty, in Morocco. A third case, *Republic of Panama* v. *Schwartzfiger*, concerned an act committed on duty. So did the cases of *Amrane* v. *John*, decided in Egypt, and *In re Gilbert*, decided in Brazil. Other cases arose from World War I and are not applicable.

A number of decisions were handed down by the mixed courts of Egypt during World War II which are relied upon to sustain the case for immunity but which in fact point the other way. These decisions, in general, admit the immunity of the visiting soldier or sailor from the jurisdiction of the local courts and the exclusive jurisdiction of the court-martial of his own service over him when in his camp or on his ship, but hold that when absent therefrom the immunity exists only when he is carrying out orders.

ATTITUDE OF BRITISH GOVERNMENT

The advocates of complete immunity for visiting foreign forces also frequently cite the large number of World War I agreements which provided such immunity. But the fact that the agreements were designed to handle a wartime situation makes them obviously inapplicable to our present problem. It is interesting, however, to note the position taken by the British Government even during the war. That position, as stated on September 11, 1917, was that organized bodies of United States troops in Great Britain had extraterritoriality "within the limits of the quarters occupied by them." Outside their quarters they were "liable to be dealt with by the English criminal courts for any offenses against the English criminal law but could not be apprehended for any purely military offense (such as desertion, absence without leave, etc.) either by their own or the English military police or by the civil police." This rather extreme view was later modified somewhat but not to the extent of granting complete immunity from English courts.

In the Allied Forces Act of 1940, the British Parliament expressly recognized the concurrent jurisdiction of British civil courts over the personnel of visiting forces and admitted the jurisdiction of Allied military courts only "in matters concerning discipline and internal administration." Section 2 (3) of that act specifically forbade Allied courts-martial to have jurisdiction of certain cases.

It was under this act that the first American troops arrived in the British Isles during World War II. A separate British-American agreement, giving American authorities exclusive jurisdiction over American troops, was later reached and effectuated through an exchange of notes and an act of Parliament. The British note speaks of "the very considerable departure which the above arrangements will involve from the traditional system and practice of the United Kingdom." And in the debate in the House of Commons, members referred to the bill as a "striking innovation" and as being "of a completely revolutionary character."

This is the act which Parliament has recently repealed, so that we are going to lose our exclusive jurisdiction over American military personnel in the United Kingdom, whether or not we ratify this treaty and whether or not we attach the proposed reservation to it.

CANADIAN ATTITUDE

The Canadians have taken a view similar to that of the British. In the foreign forces order of 1941, Canada gave foreign courts-martial jurisdiction over matters concerning discipline and internal administration, but forbade them to try any case of murder, manslaughter, or rape. Local criminal courts were given concurrent jurisdiction with respect to other offenses.

This order was extended to United States forces in Canada in 1942. In April 1943 it was amended to except United States courts-martial from the prohibition against trying murder, manslaughter, or rape cases; and in December 1943 a new order was issued giving the United States exclusive jurisdiction in cases where it was requested.

In the meantime, however, the Canadian Government asked the Canadian supreme court for an advisory opinion on whether or not visiting forces possessed immunity under international law and, if they did not, the extent to which the Canadian Government could grant immunity.

Two justices of the court said international law conferred complete criminal immunity.

Two justices said that in the absence of legislation, friendly visiting forces in Canada enjoy no exemption from the criminal jurisdiction of the local courts.

One justice said that members of United States forces were exempt from Canadian criminal jurisdiction as to offenses committed in their camps or on their ships, except such offenses as were committed against Canadians or their property, and only to the extent that United States courts-martial exercised jurisdiction over such offenses.

All justices agreed that the Canadian Government could grant such additional immunity as it desired.

In the case of Australia, an order in council of December 17, 1941, restricted the courts martial of foreign forces to "matters concerning discipline and internal administration" and contemplated the concurrent jurisdiction of local courts over foreign military personnel. This order was subsequently amended to allow the United States military authorities to exercise exclusive jurisdiction, on request, over American personnel.

In the leading Australian case on the point *Wright* v. *Cantrell*, the Supreme Court of New South Wales held that the host country must be deemed to waive in favor of the allied forces any provisions of its laws inconsistent with the purpose of their visit and to concede to its officers all authority necessary to maintain discipline, but the Court denied the existence of complete immunity of visiting forces.

The Bustamente Code, annexed to the Convention on Private International Law adopted by the Sixth International Conference of American States in Havana in 1928, provides, in article 299:

"Nor are the penal laws of the state applicable to offenses committed within the field of military operations when it authorizes the passage of an army of another contracting state through its territory, except offenses not legally connected with said army."

The most pertinent international agreement, however, is the status of forces agreement among the Brussels Treaty powers of Europe. This multilateral agreement, designed to meet a situation much like that in NATO, recognizes the jurisdiction of the receiving state.

The preponderance of the cases, the international agreements, and the statements of authoritative writers suggest that international law does not provide complete immunity to members of visiting friendly forces although it does provide for some waiver of local jurisdiction. What is the extent of this waiver?

Let us answer that question by considering, first the nature and extent of territorial sovereignty and jurisdiction.

"The jurisdiction of courts," said Chief Justice Marshall in the *Exchange* case, "is a branch of that which is possessed by the nation as an independent sovereign power. The jurisdiction of the nation, within its own territory is necessarily exclusive and absolute; it is susceptible of no limitation, not imposed by itself."

"That the service courts of a friendly foreign force on local territory are entitled as of right to exercise jurisdiction over members of those forces is undoubted. This includes the right to try a member of those forces for offenses against the local law. But it has not yet been established that this right carries with it the right to exercise exclusive jurisdiction over members of those forces who commit offenses against the local law. On the contrary, it has been shown that there exists a rule of international law according to which members of visiting forces are, in principle, subject to the exercise of criminal jurisdiction by the local courts and that any exceptions to that general and far-reaching principle must be traced to express privilege or concession." (Foreign Armed Forces: Immunity from Criminal Jurisdiction, G. P. Barton; the British Yearbook of International Law, p. 234.)

Thus, Oppenheim, perhaps the leading authority in the field of international law, wrote (International Law, pp. 759–760):

"Whenever armed forces are on foreign territory in the service of their home state, they are considered exterritorial and remain, therefore, under its jurisdiction. A crime committed on foreign territory by a member of these forces cannot be punished by the local civil or military authorities, but only by the commanding officer of the forces or by other authorities of their home state. This rule, however, applies only in case the crime is committed either within the place where the force is stationed or in some place where the criminal was on duty; it does not apply, if, for example, soldiers belonging to a foreign garrison of a fortress leave the rayon of the fortress, not on duty but for recreation and pleasure, and then and there commit a crime. The local authorities are in that case competent to punish them."

And Lawrence says (Principles of International Law, p. 246):

"In the absence of special agreement the troops would not be amenable to the local law, but would be under the jurisdiction and control of their own commanders, as long as

they remained within their lines or were away on duty, but not otherwise."

A Brazilian work makes substantially the same point (Principios de Direito Internacional, p. 161):

"The special permission for foreign military forces to pass through the national territory or remain for a time within it includes virtually the exemption of these forces from territorial jurisdiction. * * * The exemption, however, from the territorial sovereignty limited by their raison d'être includes only that which concerns the command, direction and discipline of the forces."

Mr. SMITH of New Jersey. Mr. President, I shall speak very briefly, and shall ask to have printed in the RECORD a number of documents relating to the subject.

I shall speak first on the Japanese situation, and endorse what the chairman of the Committee on Foreign Relations and other Senators have said in support of advising and consenting to the ratification of the three treaties.

I should like to add a few words, if I may, about the relationship of the Status of Forces Agreement to Japan. As the present chairman of the Subcommittee on Far Eastern Affairs of the Foreign Relations Committee, and as a member of that subcommittee in the last Congress, I have devoted special attention to the situation in Japan and to the problems connected with the stationing of our troops there.

Parenthetically, I may say that earlier today I attended a meeting at the Department of State in commemoration of the opening of Japan by Admiral Perry on his famous visit to that country 100 years ago. I take this occasion to commend the Japanese people on that important occasion.

American troops entered Japan as conquerors at the end of the war and remained as occupation forces until the Japanese peace settlement was consummated last year. We gave up our occupation rights at that time, but we must keep our troops in Japan not only to support the United Nations operations in Korea but also to defend Japan against aggression, if that should become necessary.

This was provided for by the bilateral security pact with Japan, which we ratified last year, and by the administrative agreement negotiated under it.

This administrative agreement contained two provisions which are pertinent to the present discussion:

First, American military authorities for the time being were to have exclusive criminal jurisdiction over American troops.

Second, if the status of forces agreement had not become effective within 1 year, the United States, at the option of Japan, would consider criminal jurisdiction.

The administrative agreement became effective April 28, 1952, and thus the 1-year period provided for ended on April 28 of this year, without the status of forces treaty having become effective. On that day, Japan exercised its option under the administrative agreement and asked the United States to renegotiate the criminal jurisdiction provisions. We have agreed to renegotiation, as we were bound to do under the terms of the agreement. Today we are in a situation of renegotiating with Japan unless this NATO treaty goes through.

We are thus confronted with a critical problem, which I believe would be largely solved by prompt ratification of the status of forces agreement.

No nation likes to grant extraterritorial rights to another, Mr. President, and that is particularly true in the Far East were extraterritoriality was imposed upon China for so long by Western powers. We voluntarily relinquished those rights during World War II and thereby made many friends in the Orient.

After almost 7 years of an enlightened occupation of Japan, we concluded last year a treaty of peace which is unparalleled in history as an act of generosity of the victor toward the vanquished. It was truly negotiated—by the man who is now Secretary of State, John Foster Dulles—"with malice toward none; with charity for all."

With the coming into force of this peace treaty, Japan again became a fully sovereign, independent nation. The Japanese have faithfully carried out their commitments under the peace treaty and under the bilateral security treaty. They have given every evidence that they intend to stand firmly on the side of the free world in opposing Communist aggression.

The extraterritoriality which our troops enjoy in Japan, howeven, acts as a constant irritant in our relations with the Japanese people, and this is true regardless of how well-behaved our troops might be.

What the Japanese are interested in is equality of treatment in accordance with the pattern established for NATO. From the point of view of justice and equity, it would be difficult to deny them that equality. From the point of view of our own objectives in the Far East, it would be impolitic to do so. From any point of view, the sooner we ratify the status of forces agreement the better for our relations with Japan.

It is not, however, a step to be taken lightly. Although the Japanese have westernized and democratized their government since the end of World War II, their social customs and many of their laws are unlike anything known in the Western World. We are therefore naturally anxious to provide all the safeguards possible for any American troops who might be tried in Japanese or in other foreign courts. I am satisfied, Mr. President—and the committee is satisfied—that that has been done.

As the chairman of the committee pointed out, the jurisdiction of foreign courts over American personnel is limited to offenses committed off duty and not against another American soldier, civilian employee, or dependent. Furthermore, a number of procedural safeguards are specifically required—such as, for example, the right to a prompt trial; the right to know the charges, to be confronted with witnesses, and to subpena witnesses; and the right to counsel and an interpreter. I am sure there need be no concern on the part of the Senate or of the American people. Our military authorities are satisfied with the treaties from their point of view and have asked for early ratification.

The Senator from Michigan [Mr. FERGUSON] has just pointed out the further reservations or interpretations which the Senator from Ohio [Mr. TAFT] proposed, and which have been approved by the Department, and have also been approved by the Foreign Relations Committee.

I have gone into this much detail concerning Japan, Mr. President, because of my long interest in that area and because I thought the Senate should be aware of exactly what the situation is.

Mr. President, in the remainder of the statement which is before me, I go into the other points of the treaty, so far as Europe is concerned. I ask unanimous consent that the remainder of my statement be printed in the RECORD at this point as a part of my remarks.

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

But there are equally compelling reasons for prompt ratification of the pending treaties from the point of view of our interests in Europe, and I would like now to discuss some of those reasons as they relate to the two organizational agreements which are before the Senate. These agreements together define the legal status of the organizational entities of NATO—that is, the Organization itself, the North Atlantic Council and its subsidiary bodies, the international staff, and the international military headquarters. The agreements are supplementary to the North Atlantic Treaty and are logical outgrowths of it. They might almost be said to be in the nature of housekeeping arrangments for the North Atlantic Treaty Organization.

As such, they will make the housekeeping chores of NATO a good deal easier and will eliminate a considerable amount of the paper work that is the curse of the Organization. The agreements will standardize and simplify administrative procedures to the great benefit of NATO and the member countries without interfering with the essential rights of any member.

They will make it possible for the organs of the North Atlantic Treaty Organization to function as truly international entities. The benefits flowing from this arrangement will accrue directly to NATO itself. The individual member countries of NATO will be benefited indirectly in that it is in the interest of each of them that NATO function as smoothly as possible.

Member countries will also be affected, of course, by the new relationships which the agreements establish between a headquarters or a civilian body and the country in whose territory it is located. Most of these groups are in Europe. The only ones in the United States States are the military representatives committee and the standing group, housed in the Pentagon, and the Supreme Allied Commander, Atlantic, and the commander in chief western Atlantic area, both of which use the same naval facilities in Norfolk.

The separate provisions of these agreements, taken by themselves, are largely routine and technical and require no extended discussion. It is the total effect which is important. What the agreements will do is to advance the concept of an integrated defense which is at the heart of the NATO idea, and which Congress has insisted upon. If NATO is to operate efficiently as a truly international body, it must obviously be given the status and powers that will make it possible for it to do so. It must, for example, have juridical personality, and it

must have the immunities from national interference that are commonly given to international organizations.

There are, however, two specific points in the agreements which I believe should be explained to the Senate in some detail.

The first of these is taxation of international staff members. In keeping with the international character of the NATO staff, the salaries which members of the staff receive from the Organization are made immune from taxation. There is also a provision, however, that any member state may conclude an agreement with the Organization under which that state will itself employ and pay any of its nationals assigned to NATO. The United States had made such an arrangement and is collecting taxes on the salaries of Americans on the NATO staff. We thereby avoid the creation of a special group of tax-exempt Americans.

The second point which I particularly want to bring to the attention of the Senate is the limited immunity from personal arrest which is given to experts employed on missions on behalf of NATO. The immunity is granted only "so far as necessary for the effective exercise of their functions while present in the territory of a member state for the discharge of their duties."

The question at once arises, Mr. President, as to whether this immunity will interfere with enforcement of our laws, particularly those relating to our internal security.

I can say categorically to the Senate that in my considered judgment and in the opinion of the Foreign Relations Committee the answer to this question is no.

Let me repeat and reemphasize that the experts have this immunity only "so far as necessary for the effective exercise of their functions while present in the territory of a member state for the discharge of their duties."

That phrase in itself limits the immunity to situations in which it is justified in the interests of the effective functioning of NATO. By the same token, it clearly does not extend the immunity to personal actions of the experts not connected with the discharge of their duties. As is pointed out in the report, espionage, sabotage, or subversion against the United States, by definition, could not be connected with the discharge of their duties and thus the immunity would not apply.

It is important to remember that even in cases in which the immunity does apply the Chairman of the Council Deputies has the duty to waive it if that can be done without prejudice to the interests of the Organization and if failure to do so would impede the course of justice.

It is inconceivable to me, Mr. President, that the Chairman of the Council Deputies would refuse to waive the immunity of a NATO expert in the case of serious violations of any law. But if a dispute should arise over his failure to do so, the agreement directs the North Atlantic Council to make provision for appropriate modes of settlement. And on the North Atlantic Council we have equal representation with the other NATO powers.

Mr. President, let me emphasize again that it is not any single provision of these agreements which is important; it is the sum total of all the provisions taken as a whole. Though unspectacular in themselves, the agreements will make a significant contribution to the organizational structure of European defense. The United States not only took the lead in negotiating the North Atlantic treaty, but it has also been a leading proponent of the integrated defense idea. We cannot now in good conscience ourselves fail to follow through on what we have been urging our European friends to do.

The essential rights of the United States are fully protected in these agreements, and I submit that it is in our national interest to ratify them.

Mr. SMITH of New Jersey. It so happened that I had the privilege of presiding over the supplementary hearings on the treaty. We first heard the Senator from Ohio [Mr. BRICKER] who gave us a very fine presentation, as he has done today, of the point of view he is taking. At the same time, however, we heard from the Attorney General, Mr. Brownell, who filed a very important statement with the committee. I ask unanimous consent that that statement be incorporated in the RECORD at this point as a part of my remarks. It gives the other side of the case from the international-law standpoint.

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

INTERNATIONAL LAW AND THE STATUS OF FORCES AGREEMENT

SUMMARY

It has been contended that article VII of the Agreement Between the Parties to the North Atlantic Treaty regarding the status of their forces violates generally accepted rules of international law. That article deals with the jurisdiction, as between the sending and receiving states, over criminal offenses committed by the visiting forces in the receiving state. Each state has exclusive jurisdiction over violations of its security laws, which are not violations of the laws of the other state. The sending state has primary jurisdiction over offenses against the persons and property of that state and over offenses committed in the line of duty. The receiving state has primary jurisdiction over all other offenses. Either state may waive its jurisdiction at the request of the other.

The basis for the contention that this article violates the rules of international law is the argument that under those rules friendly foreign forces are immune from the criminal jurisdiction of the host state. But there is no substantial support for any such alleged rule of international law. The many agreements among the nations upon this question, which have varied considerably in the allocation of jurisdiction as between them over these offenses, cannot be said to codify any rule of international law recognizing such an immunity. Indeed, the most recent multilateral agreement, among the United Kingdom, France, Belgium, the Netherlands, and Luxembourg, completely rejects the principle of any immunity from local prosecution.

The United States Congress, in enacting the Friendly Service Courts Act of 1944, also clearly rejected the idea that friendly foreign forces on our soil would be immune from local criminal prosecution.

The schooner *Exchange* (decided by the Supreme Court of the United States in 1812), which is the chief reliance of those who contend that the visiting forces are entitled to absolute immunity, stands for no such proposition. That case was concerned only with the question of the immunity of a French warship from a libel by two American citizens, based upon the claim that they were the true owners of the warship. Moreover, it was decided in the absence of an agreement between France and the United States as to any immunity which would attend the presence of a warship or an armed force in this country, and cannot be determinative or even relevant in the consideration of what the terms of such an agreement should be.

In a number of cases in the tribunals in the world, claims of immunity from local prosecution have been presented by members of foreign forces accused of local crimes. In the relatively few cases where such a claim was sustained in the absence of an agreement, the offenses charged were almost uniformly committed in the line of duty. Thus, the only immunity for which there is any substantial support is for an offense committed in the line of duty, although even this is questionable. The instant agreement gives primary jurisdiction to the sending force both over offenses of this nature and over other offenses. Accordingly, the instant agreement gives the sending force more extensive jurisdiction than it would have in the absence of an agreement.

The reservation to this agreement which has been proposed by Senator BRICKER would give exclusive jurisdiction to the United States over its forces abroad, and, upon the request of other nations, to those nations over their forces in this country. Such a grant of exclusive jurisdiction in this country would not only be inconsistent with the position which Congress has already taken on this issue, but also seems inconsistent with Senator BRICKER's proposed constitutional amendment. This amendment would make illegal any treaty which granted jurisdiction to foreign countries in respect of matters which are essentially domestic in character. The reservation's deprivation of jurisdiction over local crimes from domestic courts would appear to fall in this category.

No nation of the world has either a right or a duty to send its forces into foreign territory. There is no principle of international law which prevents nations of the world from entering into any agreement upon this issue which is mutually satisfactory. This agreement grants to the sending forces more extensive jurisdiction over offenses committed by their members than there would be in the absence of an agreement. Moreover, compared with other agreements of a similar nature, it grants the sending forces substantially more jurisdiction than do those agreements.

I. INTRODUCTION

An agreement to implement the provisions of the North Atlantic Treaty[1] is now pending before the Senate for ratification. This agreement, titled "Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces,"[2] sets forth the conditions and terms which will control the status of forces which are sent by one state, party to the agreement, within the territory of another state, party to the agreement.

Article VII of this agreement,[3] treats, inter alia, the question of jurisdiction, as between the sending state and the receiving state, over criminal offenses committed by the members of the forces of the sending state within the receiving state. Briefly, this article provides that the military authorities of the sending state shall have the right to exercise all criminal and disciplinary jurisdiction conferred by the sending state's laws and that the authorities of the receiving state shall have jurisdiction over offenses committed by the members of the force of the sending state. It analyzes this possible conflict of jurisdiction as follows: Each state has exclusive jurisdiction over all security (treason, sabotage) offenses which are punishable by its law, but not by the law of the other state. The sending state has the primary right to exercise jurisdiction over a member of its forces wherever the offense is solely against its property or security, or solely against the person or property of another member of that force or a

[1] 63 Stat. 2241.

[2] Hearings, Senate Foreign Relations Committee, 83d Cong., 1st sess., p. 97 et seq. (hereinafter, hearings).

[3] Id. at 99–100. The complete text of this article is set forth in the appendix, infra.

civilian component or dependent, or where the offense arises out of any act or omission done in the performance of official duty. In all other cases, the receiving state has the primary right to exercise jurisdiction. Either state may waive its primary right to exercise jurisdiction, and the authorities of the state having the primary right "shall give sympathetic consideration to a request from the authorities of the other state for a waiver of its right in cases where that other state considers such a waiver to be of particular importance." [4]

This article may be suspended in the event of hostilities by any of the contracting parties as to that party.[5] In effect, then, it is operative, at the option of any party, only in the absence of hostilities. Article XVI of the agreement provides that all differences between the parties relating to the interpretation or application of the agreement shall be settled by negotiation between them or by reference to the North Atlantic Council.

This article has been attacked on the floor of the Senate as reflecting "a callous disregard of the rights of the American Armed Forces personnel." [6] The basis for this statement by Senator BRICKER was the contention that under international law, friendly armed forces on the territory of a foreign state are completely immune from the criminal jurisdiction of that state.[7] In accordance with that contention, Senator BRICKER has proposed a reservation to the agreement, as follows: [8]

"The military authorities of the United States as a sending state shall have exclusive jurisdiction over the members of its force or civilian component and their dependents with respect to all offenses committed within the territory of the receiving state and the United States as a receiving state shall, at the request of a sending state, waive any jurisdiction which it might possess over the members of a force or civilian component of a sending state and their dependents with respect to all offenses committed within the territory of the United States."

This reservation obviously transforms the nature of the jurisdiction over criminal offenses committed by the members of the United States forces. According to its terms, the receiving states will have no criminal jurisdiction over the members of that force, and the United States "shall, at the request of a sending state, waive" its own jurisdiction over forces in this country. No matter what the offense, no matter how unrelated to the line of duty, no member of the sending force will be subject to the criminal jurisdiction of the receiving state. Insofar as the United States is concerned, this means that a foreign soldier stationed, for example, in Georgia could not be tried by the Georgia courts for any offense against its citizens, inasmuch as the agreement applies to the political subdivisions of the contracting parties.[9]

Senator BRICKER stated that "the crux of the matter is what rights can properly be claimed for American servicemen abroad under generally accepted rules of international law." [10] These "generally accepted rules of international law" are said to provide that friendly foreign armed forces stationed in a state are completely immune from the jurisdiction of that state. The authorities for this proposition are to be found, according to Senator BRICKER, in an article by Colonel Archibald King,[11] "the most complete review of the subject which has been made in recent years." [12] There is no question but that in this article Colonel King expounds that thesis. The various materials upon which he relies are examined in subsequent portions of this memorandum.

It will suffice to state at this point that in a later article, Colonel King rather ruefully points out that when the tribunals of the world have actually considered the problem, they have "shown considerable reluctance to apply [the] doctrine against their own country, and a disposition—perhaps unconscious—to find the particular case before the court not within the scope of that doctrine." [13]

II. INTERNATIONAL AGREEMENTS

In determining what are "generally accepted rules of international law," of first importance are terms of any international agreements which may deal with the question with which the rule is purportedly concerned. Uniformity among agreements indicates on the one hand that the nations of the world recognize certain principles to be binding upon them. These agreements represent codifications of those principles. The existence of these agreements, of course, in no way derogates from the power of any two or more nations to enter into agreements with different provisions, binding the two nations as between themselves.[14] But it does indicate that such an agreement deviates from the norm of international practice. If, on the other hand, there is no consistency among the agreements on the subject, no "generally accepted rule of international law" can be deduced—except the obvious one that there is no such general rule of international law. As regards the immunity of friendly foreign armed forces from the criminal jurisdiction of the receiving state, the fact that so many varied agreements have been entered into establishes incontrovertibly that there is no generally recognized rule of international law which accords immunity to the forces of the visiting nation.

These international agreements have been both bilateral and multilateral. Their provisions have depended primarily upon the particular parties to the agreement, the reasons for the foreign force on the receiving State's territory, and like considerations. A great number has been negotiated among parties who were engaged in active warfare at the time and, accordingly, are not comparable to the instant agreement.[15] Such wartime agreements directly reflect the in extremis status of one or more of the parties. Yet even these show no such uniformity as to indicate that the nations of the world are agreed upon one single rule which is to determine the fate of their forces abroad and of their peoples at home, insofar as local criminal jurisdiction is concerned. The peacetime agreements also run the gamut of jurisdictional possibilities, and, in like manner, reflect the relative status of the parties at the time the agreements were negotiated.

A. Wartime agreements

(1) World War I [16]

A series of agreements concluded by France during the First War granted exclusive jurisdiction to the military tribunals of the Armed Forces of the Allied powers in France over the members of those forces.[17] The Allied forces in France, however, were for the most part in the nature of an occupation by consent and were in complete control over the area they occupied.[18] Indeed, the first such agreement found it necessary to make special provisions exempting Belgian nationals from the jurisdiction of the French military courts.[19] This, of course, is a completely different state of affairs from that contemplated by the instant agreement.[20] Both the United States and Great Britain entered into similar agreements with Belgium,[21] but the only British court which was faced with a problem involving its criminal jurisdiction over a Belgian soldier for an offense committed in London assumed that it had such jurisdiction despite the language

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[4] Art. VII, sec. 3 (c).

[5] Art. XV. 1. Subject to paragraph 2 of this article, this agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the agreement, and, in particular of articles III and VII, shall immediately be reviewed by the contracting parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the agreement between them.

2. In the event of such hostilities, each of the contracting parties shall have the right, by giving 60 days' notice to the other contracting parties, to suspend the application of any of the provisions of this agreement so far as it is concerned. If this right is exercised, the contracting parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

[6] CONGRESSIONAL RECORD, May 7, 1953, page 4659.

[7] It was also asserted that this article is a violation of our own Uniform Code of Military Justice. (CONGRESSIONAL RECORD, May 7, 1953, pp. 4670–4671.) But this code, while granting jurisdiction to our military authorities over our own forces does not have the extraterritorial effect of depriving foreign courts of jurisdiction on their own soil. Any such derogation of jurisdiction must flow from the consent of the foreign country, and not from our domestic legislation.

[8] CONGRESSIONAL RECORD, May 7, 1953, page 4659.

[9] Art. I, sec. 2.

[10] CONGRESSIONAL RECORD, May 8, 1953, p. 4659.

[11] Jurisdiction Over Friendly Foreign Armed Forces (36 Am. J. Int. L. 539 (1942) (hereinafter, King I).

[12] CONGRESSIONAL RECORD, May 8, 1953, p. 4660. Colonel King's article is reprinted in the RECORD at this point.

[13] King, Further Developments Concerning Jurisdiction Over Friendly Foreign Armed Forces (40 Am. J. Int. L. 257, 278 (1944) (hereinafter, King II)). For more recent and comprehensive reviews of the subject, see Barton, Foreign Armed Forces; Immunity from Supervisory Jurisdiction (26 Br. Yearbook of Int. L. 380 (1949) (hereinafter, Barton I)); Barton, Foreign Armed Forces; Immunity from Criminal Jurisdiction (27 id. 186 (1950) (hereinafter, Barton II)). In this latter article the author concludes that (p. 234) "there exists a rule of international law according to which members of visiting forces are, in principle, subject to the exercise of criminal jurisdiction by the local courts and that any exceptions to that general and far-reaching principle must be traced to express privilege or concession."

[14] See infra.

[15] See, supra. In the event that any nation suspends the provision of article VII, its forces on foreign soil will be subject to the vagaries of the doctrines which have been developed for the status of such forces in the absence of an agreement. These doctrines provide less protection for the visiting force than does the instant agreement. See infra.

[16] See, generally, Barton I, pp. 387–390; Barton II, pp. 187–194; King I, 549–553.

[17] E. g., France-United States, Jan. 3, 14, 1918, Foreign Relations of the United States, 1918, Supp. 2, p. 737; France-Great Britain, Dec. 15, 1915, id., p. 735.

[18] Barton I, pp. 387–388.

[19] France-Belgium Agreement of August 14, 1914, Barton I, p. 388.

[20] See Barton II, pp. 187–188.

[21] United Kingdom-Belgium, Apr. 14, 1916; United States-Belgium, Foreign Relations of the United States, 1918, Supp. 2, pp. 747, 751.

of the agreement.[22] Negotiations were entered into between Great Britain and the United States,[23] but no agreement was ever reached.[24]

(2) World War II

Of great significance is the World War II experience.[25]

In 1933, Great Britain adopted the Visiting Forces (British Commonwealth) Act.[26] This provided that any Dominion military court might exercise its jurisdiction "in relation to members of the force in matters concerning discipline and in matters concerning the internal administration of the force." It did not exempt any member of the Dominion force from local criminal jurisdiction.[27] In 1940, the Allied Forces Act was adopted.[28] This act adopted in the main the provisions of the 1933 act for the Allied forces stationed in Britain. It granted jurisdiction to the Allied military courts in "matters of discipline and and internal administration over members of the force." It further provided that the offenses of murder, manslaughter, and rape could be tried only by the civil courts of the United Kingdom. Offenses punishable by local law which were at the same time offenses against discipline were within the concurrent jurisdiction of both the civil courts and the service courts.[29] International agreements of this nature were concluded, with appropriate protocols, enabling regulations, and Orders in Council with Czechoslovakia, the Free-French Authority, Norway, Netherlands, and Belgium.[30]

When United States troops began to arrive in Great Britain in number, an Order in Council was issued which made applicable to those forces the Allied Forces Act of 1940,[31] giving the British civil courts concurrent jurisdiction over offenses against local law which were also infractions of American military law. This state of affairs was deemed unsatisfactory and, after an exchange of notes,[32] the United States of America (Visiting Forces) Act, 1942,[33] was adopted. This act gave American military courts exclusive jurisdiction over offenses committed by American personnel. It was termed in the note from Foreign Secretary Eden as a "very considerable departure * * * from the traditional system and practice of the United Kingdom."[34] It is clear that this grant of exclusive jurisdiction was considered unprecedented. And after the act's passage, it was termed "a startling departure from long established and jealously guarded precedent."[35] Indeed, Great Britain has recently adopted its Visiting Forces Act, 1952. This act closely parallels the jurisdictional provisions of the instant agreement and vitiates the grant of exclusive jurisdiction to our forces in Great Britain. It is expected to go into effect with the ratification of the instant agreement, but in any event in the near future.

A similar course attended the sending of United States forces to Australia, and the United States eventually concluded similar agreements with Belgium, Canada, China, Egypt,[36] India, and New Zealand.

On the other hand, Great Britain itself was successful in obtaining immunity from criminal prosecution by the local courts with Belgium, China, Ethiopia, and Portugal. Also entered into during this period was a series of agreements similar to those of the First World War,[37] where the visiting State was, in effect, an army in peaceful occupation by consent.[38]

The destroyer-base exchange between the United States and Great Britain also contained provisions for the exercise of criminal jurisdiction by the United States military courts on the leased bases.[39] As Colonel King concedes, this agreement cannot be read to give exclusive jurisdiction to American military courts.[40] Rather, that agreement gave concurrent jurisdiction to the military and local courts in all classes of offenses, except those of a security nature, those committed in the leased area, or those of a military nature, in which cases the United States was given the absolute right in the first instance to assume and exercise jurisdiction.[41] It was further provided that nothing in the agreement was to be deemed to limit the jurisdiction of the United States over members of its forces, in matters of discipline and internal administration.[42]

To summarize wartime experience: The first war involved for the most part occupations by consent and the agreements then entered into were accordingly, not comparable to the instant agreement. During the Second World War, only the United States and Great Britain were able to obtain exclusive jurisdiction over their own forces on friendly foreign soil. As between Great Britain and the United States, we obtained such exclusive jurisdiction in Great Britain itself and in several of the Dominions, but on the leased bases received only concurrent jurisdiction. Other nations on British soil did not obtain even complete concurrent criminal jurisdiction. These wartime agreements, to the extent that they are relevant, obviously reflect the relative circumstances of the parties at the time of the negotiations. In view of their varied terms, they cannot be said to codify any rule of international law.

B. Agreements in time of peace

The agreements which were concluded among the nations in times of peace are most directly relevant to the provisions of the instant agreement. They show conclusively that the nations of the world recognize no rule of absolute immunity in peacetime for friendly forces on foreign soil.

(1) Bilateral Agreements

During the interwar period,[43] the British were successful in obtaining exclusive criminal jurisdiction over their forces in Iraq[44] and Egypt.[45] Of particular significance, however, is the fact that the members of forces of other nations stationed in Egypt were not considered immune from the jurisdiction of the Egyptian courts.[46]

In 1948, Great Britain and France entered into a visiting force agreement for the British armed forces pending their final withdrawal from French territory.[47] This gave exclusive jurisdiction to the British military forces in two cases only: where the victim was a member of the British force and where the offense was contrary to United Kingdom military law, but not to French law. In all other cases, the French authorities were only to "examine with the greatest consideration any request"[48] from the British to transfer the accused to a British military court.

Since the war the United States has entered into a series of agreements with foreign countries which have dealt with this question. In two of these the United States has obtained exclusive jurisdiction over offenses committed by its forces anywhere in the receiving countries for the interim period which will terminate with the signing of the instant agreement; namely, the agreements with Denmark for Greenland[49] and Japan.[50] Several provide for such exclusive jurisdiction during a state of war.[51] One is quite

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[22] *Rex* v. *Aughet;* see *infra.*

[23] Foreign Relations of the United States, 1918, Supp. 2, pp. 733–760. For conflicting interpretations of these negotiations, compare King I, pp. 551–553, with Barton I, pp. 391–395, and Barton II, pp. 192–194.

[24] Great Britain did adopt, as domestic legislation, its Defense of the Realm Regulation No. 45 F, which affirmatively granted to the Allies power to exercise jurisdiction over their own forces. Order of Mar. 22, 1918, S. R. & O,, 1918 (No. 367), pp. 332–334.

[25] See generally, the Status of the United States Forces in English Law (38 Am. J. Int. Law 50); Schwelb, the Status of Soviet Forces in British Law (39 Am. J. Int. Law 330); Goodhart, the Legal Aspect of the American Forces in Great Britain (28 A. B. A. J. 762); Schwelb, the Jurisdiction Over the Members of the Allied Forces in Great Britain, Czechoslovak Yearbook of International Law (1942), p. 147; Kuratowski, International Law and the Naval, Military, and Air Force Courts of Foreign Governments in the United Kingdom (28 Trans. Grotius Soc. 1 (1942)); the U. S. A. Visiting Forces Act, 1942 (6 Mod. L. Rev. 68); Barton I, pp. 396–406; Barton II, pp. 197–204; King I, pp. 553–559; King II, pp. 263–276 (85 Sol. J. 219).

[26] 23 and 24 Geo. V, ch. 6.

[27] The principal objection to the act in Parliament was that under sec. 1 (3) of the act, the military courts were removed from the supervisory jurisdiction of the civil courts and that a member of the force convicted by a military court could get no relief by habeas corpus or otherwise from the civil court. See Goodhart, note 25, supra.

[28] 3 and 4 Geo. Vi, ch. 51.

[29] Under British law, a British serviceman is subject to the jurisdiction of the civil courts for offenses against the laws of Great Britain in time of war. See Goodhart, note 25, supra.

[30] Even this act with its limited grant of jurisdiction to the military courts was called a historic measure and a practical expedient to meet an obvious need. (190 L. T. 175–176).

[31] United States of America (Visiting Forces) Order, 1942, S. R. & O. 1942, No. 966, p. 844.

[32] See S. Rept. No. 956, 78th Cong., 2d sess.

[33] 5 and 6 Geo. VI, ch. 31.

[34] See note 32, supra.

[35] 106 Just. p. 411.

[36] Compare, however, the status of Greek nationals in Egypt, for whom a similar agreement had not been reached. *Gounaris* v. *Ministere Public* (Annual Digest and Reports of Public International Law Cases (hereinafter, Ann. Dig.), 1943–45, p. 152; *infra*; Barton II, pp. 201–2).

[37] See supra.

[38] United States-Denmark (E. A. S. 204 (1941)); United States-Panama (6 Dept. State Bull., 448, 449 (1942)); United Kingdom-Ethiopia, January 31, 1942; United Kingdom-Free French Authority, December 14, 1942. Similar agreements were concluded by the United Kingdom on behalf of the Allied Governments with those countries whose Governments were in exile for the territory which was occupied by the enemy, Belgium, France, the Netherlands, and Norway. (Barton II, pp. 203–204.)

[39] E. A. S. 235. This agreement was modified in 1950. See infra.

[40] King I, pp. 553–555.

[41] E. A. S. 235, art. IV.

[42] Ibid.

[43] The only agreement prior to World War I which appears to have been interpreted to apply to a situation of this nature was the treaty between the United States and Panama, 1904, 33 Stat. 2234; see *Republic of Panama* v. *Schwartzfiger, infra.*

[44] October 10, 1922, Great Britain Treaty Series (hereinafter, G. B. T. S.) No. 17 (1925); see also id. No. 15 (1931).

[45] G. B. T. S. No. 6 (1937), 31 Am. J. Int. L. (Supp.), p. 77. See Barton II, pp. 195–196, for the cases decided under this agreement.

[46] See *infra.*

[47] G. B. T. S. No. 44 (1948).

[48] Id., art. 4 (1).

[49] TIAS 2292, June 8, 1951, art. VIII.

[50] Administrative Agreement under art. III of the treaty, Feb. 28, 1952, art. XVII. This agreement is effective pending ratification of the instant agreement, but in any event may now be reconsidered at the request of Japan.

[51] Agreement with the Republic of the Philippines, TIAS 1775, art. XII, sec. 6, Mar. 26, 1947; Modification of Leased Bases Agreement, TIAS, 2105, art. IV, sec. (1) (a) (i),

similar to the instant agreement.[52] Another equivocally provides that "depending on international authority," the United States shall have exclusive jurisdiction over offenses committed by its troops in certain specified areas.[53]

In time of peace, the Philippine agreement gives the United States exclusive jurisdiction over offenses committed on its bases (except where the two parties are Philippine nationals or the offense is against Philippine security). Otherwise, the Philippine Republic has concurrent jurisdiction over every other offense. Either party may waive its jurisdiction, and in cases where the offense is committed in the line of duty, the Philippines will notify the United States so that it may exercise its jurisdiction. The agreements with respect to the leased bases and the Bahamas Long Range Proving Ground both provide that the United States shall have exclusive jurisdiction over security and United States interest offenses within the leased areas, but that there shall be concurrent jurisdiction everywhere else. Where there is such concurrent jurisdiction the two authorities will designate the court where the offender is to be tried. The agreement with the Dominican Republic provides for concurrent jurisdiction over offenses against Dominican nationals or local aliens outside the sites. A mixed commission decides who shall exercise the jurisdiction and in making that decision is to consider whether the act or omission constituting the offense occurred in the line of duty.

(2) Multilateral Agreements

There have been two multilaterial agreements which have been adopted by groups of nations, and one code suggested by the Institute of International Law which has been relied upon by courts in deciding these questions. None of these recognizes any principle of absolute immunity.

(1) In 1898, the Institute of International Law, a group of the world's leading international jurists, promulgated a code, entitled "Regulations Concerning the Legal Status of Ships and Their Crews in Foreign Ports,"[54] which was designed to control the status of warships in both peace and war. It provides:

"ART. 16. Crimes and offenses committed on board these ships or on the boats belonging to them, whether by members of the crew, or by any others on board, shall come under the jurisdiction of the courts of the nation to which the ship belongs and shall be judged according to the laws of that nation, whatever be the nationality of the perpetrators or the victims.

"Whenever the commander shall deliver the delinquent over to the local authorities, the latter shall regain the jurisdiction which under ordinary circumstances would belong to them.

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"ART. 18. If people from on board shall commit violations of the law of the country on land, they may be arrested by officers of the authority of the country and given up to local justice.

"Notice of the arrest shall be sent to the commander of the ship, who cannot require them to be given up.

"If the delinquents, not having been arrested, shall return on board, the local authority cannot take them thence, but may require only that they be handed over to their national courts and that it be informed of the result of the proceedings.

"If the persons accused of misdemeanor or crime committed on land are on duty, whether individually or collectively, in virtue of a concession, express or tacit, of the local authority, they shall, after their arrest, upon the request of the commander, be delivered over to him with the proces-verbaux stating the facts, and with the request, if necessary, that they be brought before their competent national authority, and that the local authority be informed of the result of the proceedings."[55]

These resolutions were reproduced by the Institute of International Law at Stockholm in 1928, and, although they do not appear to have ever been officially adopted by any nation or nations, were relied upon by the Court of Cassation in Egypt in 1942 in the case of *Ministere Public* v. *Triandafilou*.[56] The significant feature of this code is that it does not apply to the members of the crew of friendly foreign warships any immunity for offenses committed ashore.

(2) The Latin American countries adopted the Bustamente code in 1928.[57] This code provides:

"ART. 296. Penal laws are binding upon all persons residing in the territory, without other exceptions than those established in this chapter.

"ART. 297. The head of each of the contracting states is exempt from the penal laws of the others when he is in the territory of the latter.

"ART. 298. The diplomatic representatives of the contracting states in each of the others, together with their foreign personnel, and the members of the families of the former who are living in his company enjoy the same exemption.

"ART. 299. Nor are the penal laws of the state applicable to offenses committed within the field of military operations when it authorizes the passage of an army of another contracting state through its territory, except offenses not legally connected with said army.

"ART. 300. The same exemption is applied to offenses committed on board of foreign war vessels or aircraft while in territorial waters or in the national air."

This code has particular significance because it follows in precise order the structure of Chief Justice Marshall's opinion in the *Exchange*.[58] But the code does not provide the absolute immunity from jurisdiction which that opinion has been interpreted as requiring. Rather, it renders local laws inapplicable only when the offenses are committed within the field of military operations and are legally connected with the army.

(3) By far the most important international agreement on this question which has been reached is that negotiated and approved by the Brussels Treaty Powers, on December 21, 1949. Each of these powers, France, Luxembourg, the Netherlands, Belguim, and the United Kingdom, is a signatory of the North Atlantic Treaty, and of the instant agreement. This 1949 agreement, Status of Members of the Armed Forces of the Brussels Treaty Powers, is designated to accomplish the same purposes as the instant agreement.[59] As such, the treatment accorded to the question of criminal jurisdiction over the visiting forces is the most revealing demonstration possible of the attitude of those nations toward the applicable principles of international law. Article 7 (2) of that agreement provides:

"Members of a foreign force who commit an offense in the receiving state against the laws in force in that state can be prosecuted in the courts of the receiving state.

"When the act is also an offense against the law of the sending state, the authorities of the receiving state will examine with the greatest sympathy any request, received before the court has declared its verdict, for the transfer of the accused for trial before the courts of the sending state.

"Where a member of a foreign force commits an offense against the security of, or involving disloyalty to, the sending state or an offense against its property, or an offense against a member of the force to which he belongs, the authorities of the receiving state where the offense was committed will prosecute only if they consider that special considerations require them to do so.

"The competent military authorities of the foreign force shall have, within the receiving state, any jurisdiction conferred upon them by the law of the sending state in relation to an offense committed by a member of their own armed forces."

Even the most cursory reading of this provision will show that in this agreement, France, Belgium, the Netherlands, Luxembourg, and the United Kingdom have recognized no principle of absolute immunity, or even any concept of "primary jurisdiction." Every offense committed in the territory of the receiving state—those committed within the limits of the quarters of the visiting force, those committed at a time when the offender is on duty, those committed against a member of or the property of the force of the sending state—is within the jurisdiction of the receiving state which is obliged to give "the greatest sympathy" to any request for a transfer to the courts of the sending state.

This is the most recent and most authoritative expression imaginable by the countries, other than the United States and the remaining signatories, most directly concerned with the jurisdictional provisions of the instant agreement. And in the most unequivocal terms it is established that no principle of absolute, exclusive, or even primary jurisdiction in the sending state is recognized by those countries.

Not one of the multilateral expressions on the question recognizes any kind of absolute immunity. The bilateral agreements which appear to recognize such a principle are readily understandable in terms of the relative positions of the parties in the then prevailing circumstances. It may categorically be stated that the instant agreement gives, as much, if not more, "exclusive" jurisdiction over its own forces to the sending state as do comparable international agreements.

C. The Service Courts of Friendly Foreign Forces Act

Although there have been instances of the passage of foreign troops through this country which might have raised the question,[60] the only domestic legislation to cover this question of the jurisdiction to try members of such forces ever enacted was the Service Courts of Friendly Foreign Forces Act of 1944.[61] It is uniquely revealing as to the refusal of Congress to recognize any rule of absolute immunity to be accorded to friendly

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Aug. 1, 1950; Bahamas Long Range Proving Ground, TIAS 2099, art. V, sec. (1) (a) (i), July 21, 1950; Dominican Republic, art. XV, sec. 1 (a) (i), Nov. 26, 1951.

[52] Iceland, TIAS 2295, May 8, 1951, art. II.

[53] Saudi Arabia, TIAS 2290, June 18, 1951, art. 13 (c).

[54] Scott, Resolutions of the Institute of International Law (1916), pp. 147–148 (Oxford Press).

[55] Arts. 16 and 18 relate only to peacetime. The part devoted to time of war has no comparable provision.

[56] Ann. Dig. (1919–42), p. 165. Colonel King takes issue with the court's use of this code, in part because he maintains that Egypt was in a virtual state of war at the time. King II, pp. 258–260. But see Brinton, The Egyptian Mixed Courts and Foreign Armed Forces (40 Am. J. Int. L. 737).

[57] IV Hudson, International Legislation (1928–29), 2279, 2323.

[58] See infra.

[59] 22 Dept of State Bull., Mar. 20, 1950, 488, 449.

[60] See *Tucker* v. *Alexandroff* (183 U. S. 424, 434–435).

[61] 22 U. S. C. secs. 701 et seq., 58 Stat. 643.

foreign forces from the criminal jurisdiction of our courts.

This act was designed to reciprocate for the grant of jurisdiction to American military courts over American forces in Great Britain given by that country in its United States of America (Visiting Forces) Act, 1942.[62] Both the House and Senate committee reports contain the notes exchanged between the United States and British Government, wherein the British Government terms its own action—granting the exclusive jurisdiction—"a very considerable departure * * * from the traditional system and practice of the United Kingdom."[63] The Senate committee report contains the statements that the proposed legislation "is of a temporary and conditional nature since its operation is revocable at the pleasure of the President as agent of Congress, under section 6. This is an important feature of the bill. At any rate, Congress is at liberty to repeal or amend at any time.

"The committee do not concede that any foreign military court has more than conditional jurisdiction while on our soil."[64]

During the course of the debate in the Senate, Senator Revercomb maintained that the pending bill was not clear as to the jurisdiction which the foreign-service courts would have and that the bill should be amended to define that jurisdiction more clearly.[65] He stated that that bill was not properly reciprocal to the British legislation, which had granted exclusive jurisdiction to the American-service courts in Great Britain.[66] In reply, Senators Murdock and McFarland, who were in charge of the bill, stated flatly that the Senate committee had considered and rejected the proposal that United States courts be divested of jurisdiction.[67] Senator Murdock stated:[68]

"I ask the Senator whether he wants to prohibit the jurisdiction of the Federal courts and the jurisdiction of the State courts, as the parliamentary act prohibits the jurisdiction of the criminal courts in England. If he wants to go that far, I think he should tell the Senate. That is one of the questions, as the Senator recalls, which came before the Committee on the Judiciary. By a majority vote it was decided, I think rather emphatically, that we did not want to prohibit jurisdiction on the part of our courts, but that all we wanted to do was to implement whatever jurisdiction the foreign-service courts brought with them to this country, first, by power of arrest, second, by power of dealing with witnesses, and stop there.

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"As I understand the Senator from West Virginia [Senator Revercomb], he wants to deny criminal jurisdiction to the Federal and State courts of this country. The position I take is that it is not necessary to go that far, nor do I want to go that far, nor do I think Congress has the right to prohibit jurisdiction on the part of the State courts over criminal matters."

And Senator McFarland stated:

"As I understand the argument the Senator from West Virginia now makes and the argument he made before the Committee on the Judiciary, he would divest our courts of what jurisdiction they may have to try these cases. The majority of the committee were unwilling to do that. The majority of the committee felt that the Federal Government had no right to divest State courts of jurisdiction.

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"* * * If [the service courts] have not jurisdiction, we do not have to give up the defendants, we do not have to subpena witnesses, we do not have to do anything. And if they do not try the defendants, we can try them ourselves. That is the difference. But the Senator from West Virginia would pass legislation which would divest our courts of jurisdiction. That is the only difference between the majority and the able Senator from West Virginia."[69]

The careful language of the committee reports, the rejection of the Revercomb amendment, and the statements of the managers of the bill on the Senate floor indicate that the phraseology of the act, which contains no definition of the jurisdiction of the foreign service courts nor any prohibition against the exercise of jurisdiction by American courts, either State or Federal, was a deliberate rejection by the Congress of the concept that there is an absolute immunity accorded foreign forces in a friendly state from the criminal jurisdiction of that state. It may therefore be stated that the only domestic legislation which the Congress has considered dealing with this subject has been based upon the premise that there is no exclusive criminal jurisdiction in foreign service courts over foreign friendly forces stationed in this country.

III. JURISDICTION IN THE ABSENCE OF AN AGREEMENT

The instant agreement provides that offenses against the security of one state, not punishable by the laws of the other, are within the exclusive jurisdiction of the first state. Offenses by members of the sending state against the person or property of that state or offenses committed in the line of duty are within the primary jurisdiction of the sending state. All other offenses are within the primary jurisdiction of the receiving state.[70]

The discussion in part II shows that in international agreements the nations have not acted upon any hypothesis that visiting forces are entitled to immunity as a matter of right and that the most directly parallel agreements recognize less immunity than that which is afforded by the instant agreement. Moreover, it is clear that if there were no agreement controlling the issue, our forces abroad would, again, be entitled to less immunity than the instant agreement affords. Where there were no agreements the cases which have been decided by the tribunals of the world show that practically the only situation where a claim of immunity has been given any recognition whatsoever has been for offenses committed in the line of duty, a category of offenses clearly covered by the instant agreement.

A. The Schooner Exchange[71]

The opinion of Chief Justice Marshall of the Supreme Court of the United States in *The Schooner Exchange* is the principal basis upon which rest those who claim that an absolute exemption or immunity for friendly armed forces from the criminal jurisdiction of the receiving state exists. Certainly it is the basis for the numerous textbook writers who have asserted the proposition.[72] And it is the cornerstone of Colonel King's legal structure. Although it presents no support for the protagonists of the exclusive jurisdiction contention, the frequency of its citation requires that its language, rationale, and decision be thoroughly analyzed.

In 1811 two American citizens filed a libel in the United States District Court for the District of Pennsylvania against the schooner *Exchange*, then in the port of Philadelphia. In this libel they alleged that they were the true owners of the vessel, but that on a previous voyage the ship had been seized by persons acting under Napoleon's orders. They prayed for a decree restoring the vessel to them. At the instance of the executive department, the United States attorney filed a suggestion that the vessel was then an armed French public vessel which had been forced to enter the port of Philadelphia out of necessity for refreshments and repairs. Affidavits were filed in the court verifying the commission of the captain. The circuit court reversed the dismissal of the libel by the district court, which had been based upon the ground that a friendly public armed vessel is not subject to the ordinary judicial tribunals of the country, so far as regards the question of title. The opinion of the Supreme Court, reinstating the judgment of the district court, was written by Chief Justice John Marshall. Because the language he used has been quoted by so many courts and writers since, it will be set forth in relevant part below.[73]

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[62] 3 and 4 Geo. VI, ch. 51. See *supra*.

[63] S. Rep. No. 956, 78th Cong., 2d sess.; H. Rept. No. 936, 78th Cong., 1st sess.

[64] S. Rept., *supra*, note 63, pp. 11–12.

[65] CONGRESSIONAL RECORD, volume 90, part 5, pages 6490, 6492. The Senator prefaced his remarks by stating that under international law, as recognized, as he thought by American law, but not by British law, the foreign-service courts were entitled to exclusive jurisdiction over their members. Ibid. However, he later stated that his proposed amendment had been carefully phrased so as not to use the words "exclusive jurisdiction." Id. at 6496–6497. Despite this explanation the amendment was rejected. Id. at 6498.

[66] Id. at 6495–6498 passim.

[67] Id. at 6491–6492.

[68] Id. at 6492.

[69] And see remarks of Senator Connally, id., at 6497.

[70] This use of "primary" and "exclusive" is quite correct. An offense against the security of one state which is not an offense against the laws of the other must necessarily be within the sole jurisdiction of the first, that is, if any state has jurisdiction. This jurisdiction, accordingly, is "exclusive." On the other hand, offenses against the laws of both states are within the concurrent jurisdiction of those states. See note 83, infra. Priority of this jurisdiction is, in turn, appropriately termed "primary." It should further be pointed out that under article VII, 8, an accused who has been tried by one state and acquitted, convicted or pardoned cannot be tried again for the same offense within the same territory. But nothing prevents the military authorities of the sending state from trying a member of its force for breach of discipline, even though he has been tried for the same offense by another state.

[71] *The Schooner Exchange* v. *McFaddon* (11 Cr. 116).

[72] The authorities are collected in King I, 544–546; Bathurst, American Jurisdiction Over Friendly Foreign Armed Forces (23 Br. Yearbook of Int. L. 338, 339 (1946)). Two of the most eminent authorities quoted by Colonel King, however, expressly limit the immunity to offenses committed in the line of duty or within the lines of the visiting forces. Lawrence, Principles of International Law (6th ed.) sec. 107, p. 246; Oppenheim, 1 International Law (4th ed.), sec. 445.

[73] "The jurisdiction of courts is a branch of that which is possessed by the Nation as an independent sovereign power. The jurisdiction of the Nation, within its own territory, is necessarily exclusive and absolute; it is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty, to the extent of the restriction, and an investment of that sovereignty, to the same extent, in that power which could impose such restriction. All exceptions, therefore, to the full and complete power of a nation within its own territories, must be traced up to the consent of the nation itself. They can flow from no other legitimate source.

"This consent may be either express or implied. In the latter case, it is less deter-

(1) It is obvious that all the Court was called upon to decide was whether a friendly foreign warship was immune from attachment from one claiming to be its owner. This issue is quite different from that of the immunity of an individual soldier from criminal prosecution by the local authorities for rape or burglary. The proper soldier comparison is rather to a member of the crew ashore who has committed an offense outside his line of duty. And even Colonel King concedes that the great weight of authority supports the rule that at least in times of peace, members of the crews of friendly foreign warships who commit offduty offenses against the local law ashore are subject to the local criminal jurisdiction.[74] As the chief justice of New South Wales recently stated in regard to the opinion: [75]

"What the learned judge had in mind was exercise of a jurisdiction which would prevent the troops from acting as a force—something analogous to preventing a ship of war from being in a position to act as such, including interference by local courts with the maintenance of discipline—not exercise of jurisdiction over individual soldiers in respect of liabilities incurred or wrongs done perhaps out of all connection with their military duties."

Further, it would seem that the Chief Justice, in speaking of the "waiver of all jurisdiction over the troops, during their passage" was referring to the waiver of the right of the territorial sovereign to exercise his own disciplinary jurisdiction, for the passage continues, "and permits the foreign general to use that discipline, and to inflict those punishments which the government of his army may require." [76]

Finally, the Chief Justice expressly limited his remarks about the exemption of the foreign forces to troops in passage.[77] Completely different considerations determine the immunity which must necessarily attend passing troops on, as the Chief Justice evidently envisioned it, a mission of urgency and immediacy, perhaps never to return via that country, and troops stationed in a friendly state in time of peace for an indeterminate period. The path of troops en route was, in Marshall's day, a narrow, clearly defined avenue. Presumably, the path of the march was completely within the control of the troop commander. It might very well have been considered that such troops, in transit, were constantly on duty. On the other hand, today's troop locations are dispersed throughout the receiving state and

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minate, exposed more to the uncertainties of construction; but, if understood, not less obligatory. The world being composed of distinct sovereignties, possessing equal rights and equal independence, whose mutual benefit is promoted by intercourse with each other, and by an interchange of those good offices which humanity dictates and its wants require, all sovereigns have consented to a relaxation, in practice, in cases under certain peculiar circumstances, of that absolute and complete jurisdiction within their respective territories which sovereignty confers. This consent may, in some instances, be tested by common usage, and by common opinion, growing out of that usage. A nation would justly be considered as violating its faith, although that faith might not be expressly plighted, which should suddenly and without previous notice, exercise its territorial powers in a manner not consonant to the usages and received obligations of the civilized world.

"This full and absolute territorial jurisdiction being alike the attribute of every sovereign, and being incapable of conferring extraterritorial power, would not seem to contemplate foreign sovereigns, nor their sovereign rights, as its objects. One sovereign being in no respect amenable to another; and being bound by obligations of the highest character not to degrade the dignity of his nation, by placing himself or its sovereign rights within the jurisdiction of another, can be supposed to enter a foreign territory only under an express license, or in the confidence that the immunities belonging to his independent sovereign station, though not expressly stipulated, are reserved by implication, and will be extended to him.

"This perfect equality and absolute independence of sovereigns, and this common interest impelling them to mutual intercourse, and an interchange of good offices with each other, have given rise to a class of cases in which every sovereign is understood to waive the exercise of a part of that complete exclusive territorial jurisdictin, which has been stated to be the attribute of every nation." (P. 135, et seq.)

The first class of cases related to the exemption of the person of the sovereign himself; the second to the immunity of foreign ministers.

"Third. A third case in which a sovereign is understood to cede a portion of his territorial jurisdictions, where he allows the troops of a foreign prince to pass through his dominions. In such case, without any express declaration waiving jurisdiction over the army to which this right of passage has been granted, the sovereign who should attempt to exercise it, would certainly be considered as violating his faith. By exercising it, the purpose for which the free passage was granted would be defeated, and a portion of the military force of a foreign independent nation would be diverted from those national objects and duties to which it was applicable, and would be withdrawn from the control of the sovereign whose power and whose safety might greatly depend on retaining the exclusive command and disposition of this force. The grant of a free passage, therefore, implies a waiver of all jurisdiction over the troops, during their passage, and permits the foreign general to use that discipline, and to inflict those punishments which the government of his army may require.

"But if, without such express permit, an army should be led through the territories of a foreign prince, might the jurisdiction of the territory be rightfully exercised over the individuals composing this army? Without doubt, a military force can never gain immunities of any other description than those which war gives, by entering a foreign territory against the will of its sovereign. But if his consent, instead of being expressed by a particular license, be expressed by a general declaration, that foreign troops may pass through a specified tract of country, a distinction between such general permit and a particular license is not perceived. It would seem reasonable, that every immunity which would be conferred by a special license, would be in like manner conferred by such general permit.

"We have seen, that a license to pass through a territory implies immunities not expressed, and it is material to inquire, why the license itself may not be presumed? It is obvious that the passage of an army through a foreign territory will probably be at all times inconvenient and injurious, and would often be imminently dangerous to the sovereign through whose dominion it passed. Such a practice would break down some of the most decisive distinctions between peace and war, and would reduce a nation to the necessity of resisting by war an act, not absolutely hostile in its character, or of exposing itself to the stratagems and frauds of a power whose integrity might be doubted, and who might enter the country under deceitful pretexts. It is for reasons like these that the general license to foreigners to enter the dominions of a friendly power is never understood to extend to a military force; and an army marching into the dominions of another sovereign may justly be considered as committing an act of hostility; and, if not opposed by force, acquires no privilege by its irregular and improper conduct. It may, however, well be questioned whether any other than the sovereign power of the state be capable of deciding that such military commander is without a license." (Pp. 138–140.)

The Chief Justice then went on to point out that, unlike armies, there was no prohibition against foreign armed war vessels entering a friendly port without the express consent of the sovereign. Further, a public armed ship constituted a part of the military force of her nation, acting under the immediate and direct command of the sovereign and was employed by him on national objects. Consequently—

"The implied license, therefore, under which such vessel enters a friendly port, may reasonably be construed, and it seems to the court, ought to be construed, as containing an exemption from the jurisdiction of the sovereign, within whose territory she claims the rites of hospitality. (P. 143.)

* * * * *

"Without doubt, the sovereign of the place is capable of destroying this implication. He may claim and exercise jurisdiction, either by employing force, or by subjecting such vessels to the ordinary tribunals. But until such power be exerted in a manner not to be misunderstood, the sovereign cannot be considered as having imparted to the ordinary tribunals a jurisdiction, which it would be a breach of faith to exercise. Those general statutory provisions, therefore, which are descriptive of the ordinary jurisdiction of the judicial tribunals, which give an individual whose property has been wrested from him, a right to claim that property in the courts of the country in which it is found, ought not, in the opinion of this court, to be so construed, as to give them jurisdiction in a case, in which the sovereign power has impliedly consented to waive its jurisdiction." (P. 144.)

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[74] King, II, pp. 261–262; see *infra*.

[75] *Wright* v. *Cantrell* (44 New South Wales State Reports, 45, 49 (1943), Ann. Dig., 1943–45, pp. 133, 136).

[76] 11 Cranch. at 138. In *Tucker* v. *Alexandroff* (183 U. S. 424), the Court, in discussing the *Exchange*, appears to agree with this interpretation. It stated (p. 433):

"While we have no doubt that, under [the *Exchange*], the foreign officer may exercise his accustomed authority for maintenance of discipline, and perhaps arrest a deserter dum fercet opus, and to that extent this country waives its jurisdiction over the foreign crew or command, yet if a member of that crew actually escapes from the custody of his officers, he commits no crime against the local government, and it is a grave question whether the local courts can be called upon to enforce what is in reality the law of a foreign sovereign."

And the four dissenting Justices stated (183 U. S. at 459):

"That rule, waiving the jurisdiction of the United States over a body of men, and allowing them to be governed, disciplined and punished by their own officers, applies only to an armed force, segregated from the general population of the country, and lawfully passing through or stopping in the country for some definite purpose connected with military operations."

[77] This language was repeated in a gratuitous dictum in *Coleman* v. *Tennessee* (97 U. S. 509, 516) and was uncritically expanded by Justice Field to include troops stationed in a friendly country in *Dow* v. *Johnson* (100 U. S. 158, 165). Both Coleman and Dow were concerned with the completely different issue whether a hostile occupying force was immune from the jurisdiction of the local courts. See also *Hamilton* v. *McLaughry* (136 Fed. 445 (D. Kans., 1905)).

place the individual soldiers in necessary daily contact with the local residents. The control which the commanding officer has over every individual action of the troops is naturally far less than that exercised over troops on the march, or quartered in a temporary camp for the night. Completely different problems pertaining to criminal jurisdiction over the members of the forces necessarily arise out of these different circumstances.

The rule of absolute immunity which, it is contended, flows from the Marshall opinion, was summarily rejected in the only reported American case which research has disclosed was squarely concerned with such a claim of immunity. In *United States* v. *Thierichens*,[78] a German war vessel had been interned during but prior to our entry into the First World War in Philadelphia. The master of the vessel was indicted on two counts of smuggling and one of violating the Mann Act. He claimed that as a member of a friendly foreign war vessel he was entitled to full immunity from local criminal prosecution, and moved to quash the indictments. The district court, apparently assimilating the defendant to the status of a member of a crew of a friendly foreign warship, completely rejected the claim. On the smuggling counts the court held that there was nothing to show that the defendant was acting in the line of duty, and as to the Mann Act count, "even a discussion of the application of the rule would be lending dignity to an absurdity."

(2) More important, however, than the distinctions which can be drawn and the qualifications upon the immunity which must be read to give the opinion meaning is its rationale. Those who make the claim that there is a rule of international law of exclusive jurisdiction [79] in the sending state's authority over criminal offenses committed by its members have failed to note that the *Exchange* was decided upon implications and presumptions in the absence of a treaty or agreement between the sovereigns upon the issue. The opinion makes quite clear that the immunity may be waived by mutual consent, or even by unilateral action of the receiving country.[80] The entire opinion is built upon a structure of implications which are effective only where there are no express agreements to the contrary. As the Chief Justice stated: [81]

"The preceding reasoning, has maintained the propositions that all exemptions from territorial jurisdiction, must be derived from the consent of the sovereign or the territory; that this consent may be implied or expressed; and that when implied, its extent must be regulated by the nature of the case, and the views under which the parties requiring and conceding it, must be supposed to act."

Accordingly, the receiving state may demand any conditions it wishes before it will permit the friendly troops upon its soil. If these conditions are not satisfactory to the sending state, it need not send the troops at all. This is a function of bargain and negotiation. To say that there is a rule of international law that friendly foreign forces have exclusive jurisdiction over their own forces does no more than to state what the situation might be were there only an unqualified assent to the admission of those troops to the receiving state. It plays no part in determining what the status of those forces is where an agreement has been reached on that question. For that is the very function of the agreement.

Nor can it be maintained that there exists such a firm understanding among the states that friendly forces will have exclusive jurisdiction over offenses committed by its members that it is a violation of international law for states to attempt to agree otherwise. In the first place, as has been shown, there is no such uniformity in the agreements reached among the nations. In the second, it is an unquestioned principle of international law that this jurisdiction, whatever it may be, can be waived.[82] What may be waived by a state on a case-by-cases basis, a fortiori may be waived in negotiating an agreement to cover any case which will arise.[83]

Whatever may be the limitation to be found in international law upon the immunity which visiting forces may have where there is no agreement regulating the respective jurisdictions to try criminal offenses committed by those forces, it is clear that this immunity and its qualifications have no bearing upon the terms of an express agreement between the states concerned to define those jurisdiction. Reliance upon the *Exchange* for any guiding rule of international law is misplaced, where the question is what the terms of an international agreement should be.

B. Cases in the tribunals of the world

Since the decision in the schooner *Exchange*, the tribunals of the world have considered claims of immunity from local criminal jurisdiction in a variety of situations, including case which arose where there was no agreement between the nations concerned dealing with this issue.[84] In this class of cases, not one of any significance resulted in the grant to a member of a visiting force of immunity from the local jurisdiction where the same result would not obtain under the instant agreement. And several denied the claim where it would have been granted had this agreement been effective.

At least the Supreme Court of Canada, the Court of Cassation of the Mixed Courts of Egypt, the Supreme Court of New South Wales, the British High Court of Justice, and the United States District Court for the Eastern District of Pennsylvania have considered and expressly rejected the contention that, absent an agreement among the nations concerned, visiting friendly forces are entitled to absolute immunity from the criminal jurisdiction of the host state.

In Reference Re Exemption of U. S. Forces From Canadian Criminal Law,[85] this precise question was referred by the Governor General of Canada in Council to the Supreme Court of Canada: the extent to which visiting American Armed Forces would be entitled to immunity from the local criminal jurisdiction in the absence of an express agreement covering the issue. The Chief Justice and Mr. Justice Hudson answered that there was no principle in Canadian law which deprived the Canadian courts of jurisdiction in respect of offenses against local law committed by the foreign forces against local law, although Canadian courts in fact did not exercise jurisdiction in respect of acts committed within the lines of such forces or of offenses against discipline generally committed by one member of the forces against another in cases in which the act or offense did not affect the person or property of a Canadian subject. Mr. Justice Rand held that members of the United States forces were exempt from Canadian criminal proceedings for offenses committed in their camps or on their warships except against persons not subject to United States service law or their property, or for offenses under local law wherever committed, against members of their own forces, their property and the property of their Government, but the exemption was only to the extent that United States forces exercised jurisdiction over such offenses. Two Justices, Kerwin and Taschereau, thought that the American forces would be completely immune from local criminal jurisdiction.

The Mixed Courts of Egypt have faced this problem in a long series of cases.[86] It was the definite and unequivocal conclusion of that court, after careful consideration of the arguments on both sides of the question, that there is no principle of international law which accords absolute immunity.[87]

In *Wright* v. *Cantrell*,[88] the Supreme Court of New South Wales was faced with the question whether a British naval officer could be sued for slander by a master mariner in the employ of the United States Army. In rejecting the defense of immunity from suit, the court analyzed substantially all the materials dealing with the subject and the court concluded that the doctrine of complete immunity is not only completely lacking in what has been described [as] the hallmarks of general assent and reciprocity, but is also inconsistent with the implications of local legislation.

The British High Court was faced with the same contention in 1942. A Czech soldier stationed in Britain with the Czech forces, after being reprimanded by a superior officer, attempted to commit suicide in his barrack room. He succeeded in wounding himself and another, and killing a third Czech subject.[89] The defense contended that as the offense was committed in the barrack room and involved matters concerning discipline, the offense was one over which British courts had no jurisdiction. The court rejected even this limited statement of the principle, saying that the claim was "much wider than * * * was real law upon the subject." It then held that the offense

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[78] 243 Fed. 419 (E. D. Pa., 1917).

[79] See Bricker reservation, supra.

[80] 11 Cranch at 144.

[81] Id. at 143.

[82] See e. g., *The Exchange*, supra, passim; *Chung Chi Cheung* v. *The King* [1939] A. C. 160; *French State* v. *Pratt* (Ann. Dig., 1919–22, p. 332).

[83] The use of the term "primary jurisdiction" in the instant agreement is a more accurate way to describe the power of the respective states than the term "exclusive jurisdiction." "Exclusive jurisdiction" implies that the offender can be tried by one state and one state only. Yet, it is clear that the jurisdiction of any state can be "waived." Merely "waiving" jurisdiction could not of itself confer jurisdiction upon another state. That state must have had jurisdiction, which, by virtue of the agreement, it was restrained from exercising. Language which places the two states on a relative, rather than an absolute basis, is, accordingly more apt.

[84] The cases must of course be read in the light of which court it is which is considering the claim. A military court which states that a defendant before it is completely immune from local criminal jurisdiction is obviously deciding a vastly different question than a civil court which is determining whether a member of a foreign force before it may be prosecuted for violation of the laws of the host state. *Cf. In re Poliment, infra.*

[85] (1943) S. C. R. 483, (1943) 4 DLR 11.

[86] These cases are discussed by Judge Brinton, president of the court of appeals, Mixed Courts of Egypt, in two articles, The Egyptian Courts and Foreign Armed Forces (40 Am. J. Int. L. 737 (1946)), and Jurisdiction Over Members of Allied Forces in Egypt (38 Am. J. Int. L. 375 (1944)). The second article effectively answers the criticisms of the decisions in those cases by Colonel King (King II).

[87] See *Malero Manual* v. *Ministere Public* (39 Am. J. Int. L. 349 (1943)); *Gaitanos* v. *Ministere Public* (Ann. Dig., 1919–42, p. 169); *Ministere Public* v. *Tsoukharis* (Ann. Dig., 1943–45, p. 150); *Anne and Others* v. *Ministere Public* (Ann. Dig., 1943–45, p. 115). The remaining cases will be found in the articles cited n. 86, supra, and in Barton II.

[88] 44 New South Wales State Reports 45, (Ann. Dig., 1943–45, p. 133).

[89] *Rex* v. *Navatril* (Ann. Dig., 1919–42 (Supp.), p. 161).

was cognizable in the British courts under the Allied Forces Act, 1940.[90]

The only case in which a court of the United States has been squarely faced with the problem is *United States* v. *Thierichens*.[91] As has been stated, the United States District Court for the Eastern District of Pennsylvania completely rejected the claim that the defendant in that case could not be prosecutec. for violations of the Mann Act or for smuggling.

The rejection of the claim of absolute immunity has also been the implicit assumption of the British Court of Criminal Appeal[92] and the French Court of Cassation.[93] And, in *Chow Hung Ching* v. *The King*,[94] Chief Justice Latham of the High Court of Australia indicated clearly that he did not find a substantial basis for the claim of absolute immunity, at the same time that he and the rest of the court held that the defendants were not members of visiting armed forces and thus not entitled to claim the immunity.

On the other hand, the cases which have been frequently cited[95] as standing for an absolute immunity go no further than does the instant agreement.[96] Several involved offenses occurring in the obvious line of duty.[97] Several have turned on the provisions of an agreement between the countries.[98] Another involved the assault by one member of the visiting force upon another member aboard a war vessel, where the asserted jurisdiction of the country whose vessel it was, was waived by that country.[99] The remainder do not apply at all.[100]

In sum, those cases which have been decided in the absence of an agreement have rejected the claim of immunity in all situations, with the exception of a few, where the claims which have been granted have been for the most part for offenses which were committed in the line of duty. The instant agreement, which not only expressly reserves primary jurisdiction over line-of-duty offenses to the sending state, but also extends such jurisdiction to other situations, grants the visiting forces more extensive jurisdiction than they would receive in the absence of an agreement.

C. Practice among the nations

There is convincing evidence that in actual practice the nations of Europe recognize no principle that United States troops stationed therein are immune from their local criminal jurisdiction. Statistics furnished by the Department of Defense show that a substantial number of American servicemen have been tried for local offenses in local courts.[101] At least France, England, Italy, Bermuda, and Turkey have reported trials of such a nature. It is significant, however, for comparative purposes, that the sentences imposed upon the servicemen were almost uniformly lighter than those they would have received from a court-martial for the same offense, that the vast majority of sentences of confinement were suspended, and that in only 2 instances were sentences of 3-year confinements, the maximum imposed, reported, one for rape and the other for black marketing.

These statistics make it quite clear that the nations of Europe in practice assume and exercise criminal jurisdiction over our forces.

IV. THE EFFECT OF THE PROPOSED RESERVATION

It has been shown that the nations of the world recognize no principle of international law that visiting forces are immune from local criminal jurisdiction and that Congress, in the Friendly Service Courts Act of 1944, unequivocally rejected such a principle.

Yet the proposed reservation imposes an obligation upon the United States to grant exclusive jurisdiction over the visiting forces in this country to the military authorities of those forces. It is true that this reservation is operative in the United States only upon the request of the visiting nation. But it would seem quite improbable that such a request would not be made by every nation which is party to the agreement, inasmuch as the United States would have insisted upon such immunity for its local forces abroad. This would mean that no State in the United States could try any foreign serviceman for any offense he committed here, be it rape, murder, burglary, or assault, regardless of the fact that an American citizen was the victim. Indeed, under the reservation a visiting serviceman could not be tried in the Federal courts for espionage, sabotage, or assassination of the President. This reservation seems completely inconsistent with the constitutional amendment which has been proposed by Senator BRICKER. Section 2 of that proposed amendment provides: [102]

"No treaty shall authorize or permit any foreign power * * * to supervise, control, or adjudicate * * * any * * * matter essentially within the domestic jurisdiction of the United States."

Jurisdiction over crimes such as espionage, sabotage, and assassination committed by foreign forces, stationed in this Nation would appear to be, in the absence of an agreement, a "matter essentially within the domestic jurisdiction of the United States," as that phrase is used in the amendment. Senator BRICKER'S proposed reservation would require the United States to grant to visiting forces exclusive jurisdiction over crimes committed by their forces in this country, and would deprive both State and Federal courts of their jurisdiction over those offenses. Senator BRICKER'S proposed reservation, consequently, would appear to be illegal under Senator BRICKER'S proposed constitutional amendment.

V. CONCLUSION

It has been claimed that under international law friendly foreign forces are immune from the criminal jurisdiction of the host state for crimes committed therein. This contention is without foundation. Even where there is no express agreement among the nations, claims of immunity have been generally rejected except in a few cases where the offenses occurred in the line of duty. As the instant agreement makes provision for such offenses, as well as for others, it is clear that under that agreement the sending state acquires more jurisdiction over its forces than it would have without an agreement.

No principle of international law can be deduced from the provisions of the various international agreements upon the subject. Such agreements, which have obtained in both peace and war, contain widely different jurisdictional provisions, and no uniform practice appears from their terms. There is, of course, no restriction in international law upon the terms of any agreement upon the subject, as the receiving state need not permit the ingress of the forces, and the sending state need not send them, if the conditions are not respectively satisfactory. In point of comparison, however, the instant agreement measures very favorably—from the standpoint of the sending state—with the immediately parallel agreements.

The adoption of the proposed reservation would deprive both the Federal Government and the States of their jurisdiction over criminal offenses committed by the foreign forces stationed in this country, no matter what the nature, location, or victim of the offense might be. Such a deprivation is inconsistent with the constitutional amendment proposed by Senator BRICKER himself. In considering a similar problem in 1944, Congress clearly refused to grant exclusive jurisdiction to foreign service courts over offenses committed by foreign forces in this country.

There is no basis for the contention that the proposed agreement violates any rule of international law.

Mr. SMITH of New Jersey. Mr. President, I have also had prepared a brief memorandum of my own observations with respect to the Bricker reservation. I ask unanimous consent that this memorandum be printed in the RECORD at this point as a part of my remarks.

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[90] See supra.

[91] See supra; cf. *In re Lo Dolce* (106 F. Suup. 455 (W. D. N. Y., 1952). And see the discussion of *The Schooner Exchange* v. *McFaddon*, supra.

[92] *Rex* v. *Aughet* (34 T. L. R. 302); see also the same case, *Rex* v. *Garrett, Ex parte de Dryver* (34 T. L. R. 13), where the jurisdiction of the British courts over an assault by one Belgian soldier upon another Belgian soldier in London in a private quarrel, was even more clearly assumed.

[93] *French State* v. *Pratt* (Ann. Dig., 1919–22, p. 332).

[94] 56 Argus Law Reports 29 (1949).

[95] E. g., King I, II.

[96] *In re A. F.*, decided by the Tribunal Correctionel of the Isle of Chios, Greece, in 1945, Ann. Dig., 1943–45, p. 163, appears to be one case where the claim was sustained for an off-duty offense in the absence of domestic legislation or an agreement. However, the truncated report of that lower court case indicates that the prosecuting officer urged upon the court that the offending British sailors were immune from prosecution. Further, the offense took place in time of war.

[97] (1) *Amrane* c. *John* (Civil Tribunal of Alexandria), Ann. Dig., 1931–32, p. 174, id., 1933–34, p. 187 (Civil suit for damages against British commanding officer for damages incurred by the hitting of the plaintiff by a soldier driving a lorry in the course of his duty).

(2) *Republic of Panama* v. *Schwartzfiger* (21 Am. J. Int. L. 182 (1927) (Supreme Court of Panama)). (Immunity of American soldier from prosecution for manslaughter by local authorities, where the killing had taken place while the soldier was driving a wounded workman from France Field to Colon Hospital through the city of Colon, Panama. The soldier had been ordered by his commanding officer to "hurry" the workman to the hospital.)

(3) *In re Gilbert* (Brazil, 1945), Ann. Dig., 1946, p. 86 (Brazilian civilian attempted to enter an American naval base, refused to stop at the sentry's orders, shot and killed by sentry.)

[98] *Amrane c. John, Panama* v. *Schwartzfiger*, n. 97, *supra*.

[99] *Ching Chi Cheung* v. *the King* [1939] A. C. 160.

[100] E. g., Casablanca arbitration award, May 22, 1909, 3 Am. J. Int. L. 755 (1909), which involved the conflicting jurisdictional claims of the French as a force of occupation and as the force to whom certain deserters belonged and of the Germans as the result of an agreement with Morocco giving them jurisdiction over all German nationals; *In re Polimeni* (Military Court of Rome), Ann. Dig., 1935–37, p. 248, see Barton II, p. 220. (Question of whether Italian military court in Italy had jurisdiction over member of Italian armed forces for assault upon a British corporal while stationed in the Saar Territory during an international plebiscite.)

[101] CONGRESSIONAL RECORD, May 7, 1953, pp. 4669–4670.

[102] S. J. Res. 1, 83d Cong.

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

MEMORANDUM ON BRICKER RESERVATION BY SENATOR H. ALEXANDER SMITH

1. The reservation makes an important substantive change in the status of forces agreement, and its adoption would mean that the agreement would have to be renegotiated with each of the 13 other signatories.

2. In view of the known attitudes of the countries concerned and their reluctance to grant exclusive jurisdiction to a foreign power in their territory, it is extremely doubtful that the agreement could be renegotiated on the conditions set forth in the reservation.

3. The reservation is not an appropriate means to attain the end which is sought—namely, exclusive jurisdiction over American troops in NATO countries. The reservation is apparently based on the premise that exclusive jurisdiction is relinquished under the treaty. That is not the case. We do not now have exclusive jurisdiction in any NATO country, except the United Kingdom, and we are not going to have it there much longer. We will not have it if the treaty comes into force; nor will we have it if the treaty does not come into force.

4. There are many cases in which American servicemen have been tried in foreign courts in the last 2 years. There have been few sentences of imprisonment which have not been suspended. The longest sentence was 3 years in a black marketing case. The evidence does not indicate that American troops have been discriminated against or unfairly treated in foreign courts.

5. American troops abroad will have more firm rights under the treaty than they now have, and more than they will have if the treaty does not come into force. It can be stated that the Bricker reservation will prevent the treaty from coming into force.

6. American troops who are now tried in foreign courts have only the rights which a citizen of the country in question has. Under the treaty, American military personnel must specifically be accorded the rights to a prompt and speedy trial; to be informed, in advance of trial, of the specific charges; to be confronted with hostile witnesses; to have compulsory process for obtaining witnesses in their favor; to have legal representation; to have an interpreter; and to communicate with their government.

Mr. SALTONSTALL. Mr. President, I shall be very brief, because this subject has been amply discussed.

When I first listened to the distinguished Senator from Ohio [Mr. BRICKER] I was much impressed with his point of view. As chairman of the Armed Services Committee I tried to study the subject and to obtain, in particular, the points of view of those charged with direct responsibility for the command of our forces abroad.

In that connection, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter dated July 13, 1953, which I have received from the former Chairman of the Joint Chiefs of Staff, General Omar N. Bradley, emphasizing the importance of these agreements; also a letter which I have received from the new Chairman of the Joint Chiefs of Staff, Admiral Radford, to the same effect.

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

WASHINGTON, *July 13, 1953.*

Hon. LEVERETT SALTONSTALL,
Chairman, Armed Services Committee,
United States Senate.

DEAR SENATOR SALTONSTALL: Since your committee is directly concerned with the United States military position throughout the world, I thought you would be interested in a matter which has an important bearing on our position in Europe, namely, the NATO Status of Forces Agreement. The effectiveness of our forces stationed in the NATO countries and the effectiveness of the entire NATO military organization is closely related to this treaty, which is designed, as you know, to solve many of the difficult status problems which would otherwise prevent the development of a successful cooperative defense organization.

I discussed this matter with the three service chiefs just last week and they were unanimous in the opinion that is is very important that this agreement be approved at an early date. Failure to approve it would not only be a blow to our own defense effort and the NATO defense effort, but would seriously hamper our negotiations for operating rights in the NATO countries and would be a setback in our efforts to provide for both the operating effectiveness and the well-being of American forces in Europe.

We all believe that this agreement is eminently satisfactory and is the best arrangement we can make with our allies when you consider the important issues of sovereignty which are involved, the reciprocal effect of the agreement in the United States, and the very satisfactory working relationships which have been developed concerning these problems and for which this treaty would serve as the foundation. We believe that if it became necessary to substitute bilateral agreements for this multilateral agreement, the net result would be confusion and fewer essential rights for the United States.

All these factors convince us that ratification of the NATO Status of Forces Agreement at this session of Congress is of great importance to our national defense.

Sincerely yours,

OMAR N. BRADLEY.

THE SECRETARY OF DEFENSE,
Washington, July 14, 1953.

Hon. LEVERETT SALTONSTALL,
United States Senate.

DEAR SENATOR SALTONSTALL: I understand that the NATO status of forces agreement will shortly come before the Senate for ratification. I would like to add my views to those which you have already received on the military importance of ratification at this session.

This agreement is essential to the welfare of United States military personnel stationed in the NATO countries. Furthermore, it plays a very important part in the development of our military plans, for it eliminates many of the barriers to the building of an effective defense organization.

In my judgment, this agreement represents a sensible and practical balancing of the various interests involved. Any serious modification of its principles would create a grave risk that the agreement would fail. Such failure could have serious effects on both the United States military position and the United States military personnel in Europe.

Sincerely yours,

A. W. RADFORD.

Mr. SALTONSTALL. Mr. President, I have a cable from General Norstad, the head of the Air Forces in Germany, as well as a communication from Admiral Carney, who was in charge of the NATO forces in Italy. I ask unanimous consent to have these communications printed in the RECORD at this point, as a part of my remarks.

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

From CINCAAFCE, Fontainebleau, France.
To COFS, USAF, Washington, D. C.
Information USMMR, SHAPE, Paris, France.

L 1130. Please pass to Secretary Defense as matter of urgency. For Secretary Defense from Norstad. Ref. DA 940812, June 6, 1953. My comments on the proposed NATO status of forces agreement follow.

As Commander in Chief of Allied Air Forces Central Europe and of the United States Air Forces in Europe, I cannot overemphasize the importance of favorable action on the NATO status of forces agreement during the current sessions. By resolving the legal status of the NATO forces deployed in foreign territory, such an agreement is a prerequisite to the establishment of further arrangements governing the interrelationship of the national forces and the various governments of NATO nations. It is therefore the keystone in the structure which will facilitate the utilization of NATO forces. It is my considered view that failure to approve the agreement at this time would not only arrest our progress in this area, but would, in fact, set us back considerably in providing for our operating effectiveness and for the well-being of American forces overseas.

From: Chief JUSMAG (Greece), Athens, Greece, from Admiral Carney.
To: Secretary of Defense, Washington, D. C.
Information: CINCSOUTH and HAFSE, Naples, Italy, Attorney General Byers, SACEUR, Paris, France.
Personal for Wilson and Information to Mr. Nash and General Ridgway.

I am informed that ratification of the Status of Forces Agreement is in jeopardy. I fully agree with Ridgway that ratification is urgently needed in the interest of the NATO project, and I am convinced that failure to ratify will produce reactions in this area which will hamper the NATO effort, undermine existing good interim arrangements, and seriously impair the effectiveness of American leadership in the Southern Command.

The Navy Department can furnish detailed information concerning the great number of legal and administrative problems of the Southern Command involving such matters as immigration controls, criminal and disciplinary jurisdiction, claims, taxes, duties and customs inspections, foreign exchange regulations, similar questions which arise with respect to the status of a headquarters as an entity and the status of foreign personnel attached to such headquarters.

The operation of my headquarters and its supporting elements are carried on under interim arrangements negotiated with the Italian Government; these arrangements are workable but lack legal status, and their abrogation could create intolerable situations which would strike at the very effectiveness of the entire task. If the United States fails to ratify the Status of Forces Agreement, the NATO and United States positions will be most difficult, particularly so in the light of election results in Italy.

It is my understanding that there is an objection by certain Members of the Congress concerning the question of criminal jurisdiction of United States forces in foreign countries. I respectfully submit that this should not be a major bone of contention. This problem is one with which the Navy has dealt with since the Revolution, the fundamental policy being that individuals in another country must abide by the laws and

customs of that country and that extradition or release from foreign jurisdiction is a matter of arbitration in each individual case. This policy has been the basis of my dealings with the local authorities in Naples and I believe that Embassy Rome will bear me out when I say that the results have been satisfactory to both sides with few serious adverse public relations implications.

Aside from purely military aspects and the vexatious little problems involved, it appears to me that there is a far more important point: The stature and effectiveness of American leadership in southern Europe (and I presume in other parts of Europe). I very much feel that failure to ratify by the United States would arouse resentments and countereffects which would seriously impair the United States position in the NATO structure.

The foregoing is submitted to you in confidential classification but has been intentionally so drafted as to exclude any facts of confidential nature and from my viewpoint could be released in its entirety for publication or such use as you wish to make of it.

Mr. SALTONSTALL. Mr. President, I believe the acting majority leader has placed in the RECORD a letter from Mr. C. E. Wilson, Secretary of Defense, as well as a cablegram from General Ridgway, so I will not encumber the RECORD by having them printed again.

Let me discuss the situation very briefly from a somewhat slightly different point of view than it has been discussed. There are, as I see it, four issues involved.

The first issue involves the effect of the Uniform Code of Military Justice on the jurisdiction of other systems of justice. Although offenses committed by American servicemen, wherever they may be stationed, are covered by the uniform code, the coverage of the code is definitely not exclusive, and the code is clearly not intended to affect the jurisdiction of local civilian courts either in the United States or in foreign countries.

We have had a recent example of that in connection with the case of a man who was discharged from the armed services and under the code went back to Japan to stand trial for murder. He is now on his way back, as I understand, by virtue of a writ of habeas corpus from a civilian court in the United States.

The second issue involves the extent to which United States forces in foreign countries enjoy privileges and immunities as a matter of right. On this issue the following statement of Chief Justice Marshall in the case of schooner *Exchange* against McFaddon is pertinent:

> The jurisdiction of courts is a branch of that which is possessed by the nations as an independent sovereign power. The jurisdiction of the nation, within its own territory, is necessarily exclusive and absolute; it is susceptible of no limitation not imposed by itself.

On this basis, American troops stationed abroad are not immune from the concurrent jurisdiction of the host country without the express or implied consent of the host country.

In the schooner *Exchange* case, Chief Justice Marshall suggested that, in the absence of indications to the contrary, agreement to grant immunity from the concurrent jurisdiction of the host state can be implied from the invitation to enter. As a practical matter, it is unnecessary to consider the extent to which this doctrine is accepted under international law, since in general those countries in which it has been necessary to obtain agreements on the subject of jurisdiction have given sufficiently clear indications to refute any such an implied agreement. Accordingly, in order to obtain a status for United States forces which they would not otherwise have, it has been necessary to negotiate express agreements spelling out those rights which the foreign countries are willing to grant.

The third issue involves the method by which this status is achieved. Whenever United States forces have visited foreign countries it has been the custom of the commanding officer, in carrying out his responsibilities, to work out arrangements with the local authorities involving the many administrative problems arising out of the visit. These arrangements have ordinarily included matters such as policing, arrest of members of the force, and jurisdiction. Where larger forces or longer visits were involved, it has been necessary to work out these arrangements at a higher level. In some cases they have taken on the status of governmental agreements. The essential point is that the making of such arrangements is an inescapable responsibility directly incident to the visit. To require that such arrangements must always take the form of a treaty is not feasible and would seriously inhibit the movement of United States military personnel engaged upon the business of national defense.

Mr. CASE. Mr. President, will the Senator from Massachusetts yield?

Mr. SALTONSTALL. I yield.

Mr. CASE. Is it the understanding of the Senator from Massachusetts that there is nothing in the agreement which would prevent an officer in command of United States troops from making such an agreement with the host country?

Mr. SALTONSTALL. What I tried to point out was that in this instance the agreements are made on a higher level because of the number of troops involved, as compared with, for example, the visit of the battleship *Missouri* to Turkey shortly after World War II. Approximately 2,000 men from the ship visited Turkey at that time, but only for a few days. Therefore, it was the responsibility of the commanding officer or of our diplomatic mission in Turkey to make arrangements for the visit with respect to any of our men arrested for violation of Turkish law.

Mr. CASE. There is nothing in the proposed treaty which would in any way modify the power of a commanding officer to make a special arrangement; is there?

Mr. SALTONSTALL. Not in countries outside NATO countries. These agreements would be in force in NATO countries.

Mr. CASE. I mean in NATO countries.

Mr. SALTONSTALL. I would assume that a country could consent to a further or supplementary arrangement with a commanding officer in a locality if it so desired.

Mr. CASE. Even within a NATO country?

Mr. SALTONSTALL. Even within a NATO country.

Mr. CASE. If that country wanted to make further modification?

Mr. SALTONSTALL. Exactly.

The fourth issue involves the treatment which members of the United States forces have received under foreign systems of justice. This issue was given extensive consideration in the hearings on the NATO Status of Forces Treaty before the Senate Foreign Relations Committee. Information concerning the administration of criminal justice in the NATO countries is set forth in those hearings beginning on pages 43 and 57. Further information concerning the number of trials for American servicemen in local civilian courts, and sentences imposed, in the NATO countries was inserted in the CONGRESSIONAL RECORD on May 7 by the senior Senator from Michigan. These statistics indicate that of approximately 182 military personnel of the United States tried in the civilian courts of the NATO countries since January 1, 1951, 21 were acquitted. Approximately 58 received sentences involving confinement and of these approximately 40 were suspended. Of the remaining 18 sentences to confinement all but 3 were sentences of less than 1 year.

The Defense Department has indicated that less than 15 American servicemen are presently serving sentences in the prisons of other countries all over the world. Its records do not reveal any instances of cruel or unusual punishment inflicted upon an American serviceman as the result of a sentence imposed by a court of a country with which arrangements respecting the exercise of concurrent jurisdiction have been entered into. There have been no reports to responsible American authorities of mistreatment of any American prisoner imprisoned by such a country.

Mr. President, for these reasons, briefly stated, supplementing the arguments which have been made today, I believe that the treaty, with the interpretation offered by the Senator from Wisconsin [Mr. WILEY], should be ratified.

It should be ratified because at the present time in NATO countries we either have no agreements, or the agreements are expiring, and it is necessary to come to a satisfactory understanding with these countries. Such an understanding is an essential first step to progress in forming a European army and in removing obstacles to the movement of troops in and through NATO countries, and from one country to another. I hope the treaties will be ratified.

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

The PRESIDING OFFICER (Mr. BARRETT in the chair). The clerk will call the roll.

The legislative 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 the further proceedings under the call be dispensed with.

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

Mr. DIRKSEN. Mr. President, for the information of the Senate, I may say that some days ago I submitted to the treaty a reservation which has been printed, and which I had fully intended to offer. However, there is a reason why I shall not offer it, and that is that I do not wish it to conflict with the purposes of the Bricker amendment and the possibility that that amendment will be acted upon before the 1st session of the 83d Congress adjourns. For that reason alone, Mr. President, I shall not submit the reservation.

I wish to make a few general observations regarding the reservation which has been submitted by the Senator from Ohio [Mr. BRICKER], and also with respect to the general subject matter before the Senate.

Mr. President, 2 months hence we shall be observing the 166th anniversary of the signing of the Constitution of the United States. I suppose the Members of the House of Representatives and the Senate and a great many other persons will then be gracing the rostrums of the country and will be declaiming and waxing eloquent in regard to the virtues of the document which is referred to as "the charter of our liberties." I think it is very fine, indeed, that everywhere in the country public statements will then be made in recognition of the value of the Constitution and its meaning to the development of our country and the safeguarding of the freedoms and liberties of our people.

But, Mr. President, in another September, 2 years after the Constitution was formulated and submitted to the Continental Congress for approval, that Congress submitted 12 resolutions in the nature of amendments to the Constitution, to be submitted to the legislatures of the various States for ratification. The number was ultimately reduced to 10. They included 2 other proposed amendments to the Constitution, 1 dealing with representation on a population basis in the House of Representatives, and the other, strangely enough, dealing with the compensation of Senators and Representatives before an intervening election. However, in its wisdom the First Congress put those 2 resolutions to one side. The other 10 were then submitted. They were ratified in 1790, and became known affectionately and familiarly as the Bill of Rights and the charter of our liberties. Mr. President, we constantly recall that event, because it is very important to the people of the United States and the general well-being of our Nation.

One thing intrigued me a great deal in connection with the resolution under which those amendments were first submitted. The resolution stated, among other things, that it was desired "to extend the ground of public confidence in the general government."

At that time there was a belief, which was expressed by Jefferson and some of his associates, that something in the nature of a Bill of Rights should be attached to the Constitution. As a result of that prevailing anxiety and concern, the first 10 amendments were offered and adopted. Of course, I think that had considerable to do with the acceptance of the Constitution even after it was ratified, because those 10 amendments did, in the words of the resolution, "extend the ground of public confidence in the general government."

Mr. President, our entire constitutional scheme is, after all, based upon the will of the people; and of course it is designed to safeguard and protect the individual.

Some cases come to my mind. I recall very vividly when the so-called Scottsboro case was very much on the front pages of the newspapers and in the public eye. That case involved a charge made against a young man in Alabama, the allegation being that he had committed a heniouş sin against the womanhood of that State. Without having an adequate trial, he was sentenced to condign punishment. Through the instrumentality of his counsel, he presented himself to the Supreme Court of the United States, and there said, in effect, "Can they do this to me?" That humble citizen found sympathy there for his cause, because the Supreme Court said to the State of Alabama, in effect, "Do not take his life unless you give him a fair trial in accordance with the constitutional guaranties." So in that case was an exemplification of the meaning of the Bill of Rights to the humblest citizen of the land.

Of course, Mr. President, even legislatures can do stupid things at times. I think it occurred during World War I, on one occasion, that the Nebraska Legislature passed a statute prohibiting the teaching of German in the public schools of that State. Some reasonable and sensible persons then said, in effect, "If the teaching of German can be restricted in the public schools, the teaching of biology or music or botany or Latin or Greek or any other subject can be restricted." So interested citizens came across the country and presented the case to the Supreme Court of the United States. They said to that Court, in effect, "Can the Legislature of our State place such a prohibition upon the people and upon the public schools?" The Supreme Court, in its wisdom, found that restriction to be a violation of the fundamental charter of the people's rights—rights to which all of use are accustomed.

I recall another case which was brought across the country, a good many years ago, and submitted to the Supreme Court of the United States. That case arose as a result of action taken by the Oregon Legislature. At one time the Oregon Legislature passed a measure to the effect that all the children of that State must be educated in the public schools of the State. What is wrong with that, Mr. President? Simply that such a measure transfers complete custody of the education of the child from the parents to the State, saying, in effect, to Catholic fathers and mothers and to Methodist fathers and mothers and to Baptist fathers and mothers and to Jewish fathers and mothers that even though they were willing to sustain and contribute to the maintenance of parochial schools where their children might be educated in the ancient faith, they must send their children to the public schools. So the Society of Sisters came from Oregon to Washington, D. C., and presented their case before the Supreme Court of the United States. That Court said, in effect, in striking down that legislative enactment of the Oregon Legislature, "You are invading certain rights the people have, so your statute is null and void."

Mr. President, I may allude, perhaps, to another case, one which arose in the great Commonwealth of Georgia. Many years ago a young man was apprehended at the city square in Atlanta. His pockets were bulging with Communist literature. His name was Angelo Herndon. He was given a quick trial, and was sentenced to a long term with the chain gang. Through his attorney he came before the Supreme Court of the United States, and there said, in effect, "Can they do this to me, although they have not given me a fair trial under the guaranties provided by the supreme law of the land?" The Supreme Court simply said, "Do not put a ball-and-chain around his ankle until you give him a fair trial."

That is the way the Bill of Rights shows up in the history of our country. That is the way this fundamental charter of liberties manifests itself throughout the whole of American life; and because we have it, because there has been an opportunity for the talent and the spirit and the ability of America and of Americans to unfold in that climate of freedom, we have gotten where we are, and it has also been possible, Mr. President, to do much for the world, because ours is a free country.

Thirty-six years ago this spring, I was a member of the American Expeditionary Force that went to Europe. I was not anxious to get into uniform, but it was the sovereign will of the country that an army should go for the purpose of staying the rough and ruthless hand of Prussian autocracy. Next December, it will be 12 years since we got into another conflict, and once more some seventeen or eighteen million young Americans were sent into all the far corners of the earth in the pursuit of a great American ideal, an ideal that rests upon the foundation of the Constitution, and the assertion of our freedoms. To be sure, we may not have expected much, or we may have expected much; but if we expected too much, it did not come to anything.

When I think of it, I recall the assertion by the minor prophet of the Old Testament, Haggai, who was admonishing his own people about putting roofs over their own houses while they were forgetting to complete the tabernacle of the Lord; and so, on the sacred parchments long ago, he penned this rather significant line:

> Ye have sown much, and bring in little.

Mr. President, we have engaged in two great crusades for freedom over a period of one generation, and perhaps it has come to but little. But today our soldiers are in the far corners of the earth.

I saw them in Korea a few months ago. I saw them in the Far East. I have seen them everywhere. They had come from America to stem the Red tide, in order to do what they could to preserve the freedom of the world and to make a beachhead from which humble people might operate in order to retrieve their own freedom.

To carry on in that way requires munitions, it requires money, it requires materials; and above all, it requires manpower. That is the thing with which we are concerned today.

This afternoon I sat in the Appropriations Committee as we listened to the off-the-record testimony of Admiral Radford, a great soldier and a great sailor, if you please, Mr. President, with whom I had the pleasure of visiting in Formosa only a few months ago, and with whom I discussed informally the situations in Korea, Japan, and Indochina, when the Senator from Washington [Mr. MAGNUSON] and I were on a mission for the Appropriations Committee. As I listened to the discussion, I thought of the diffusion of American troops into all the far corners of the earth in connection with the crusade that is still going on at the present time, not only as an integral part of NATO, but of the other organizations to which we belong, and to which we have committed young Americans and sent them abroad.

Mr. President, when we send a soldier abroad, we send with him the sovereign power of this country. I think a soldier or a citizen is a symbol of the sovereign power. I listened this afternoon to the colloquy as to whether our soldiers are invitees within a foreign country. I do not know what they are, other than that, notwithstanding the purpose for which they may be there.

An American soldier could not set foot on French soil unless by permission implied or expressed, he and the unit to which he belonged had been invited there; and so he is a sovereign representative of this country. I think of him as a symbol of sovereignty.

Certainly if there is anything to the doctrine spelled out long ago by John Marshall, then, of course, I have but one recourse, and that is to support the Bricker reservation to the treaty. If it is not adopted, then, according to the dictates of my conscience, I must simply vote against ratification and assent to the treaty. I say that, Mr. President, on the theory enunciated by a great American jurist a long time ago, when Marshall spelled it out, and when he said in substance, "When a sovereign goes into the domain of another sovereign, he is there by invitation, and by invitation only; and, when he is there, he does not dare to degrade his own sovereignty by ever permitting himself to be brought within the jurisdiction of a court in the country of which he is a guest."

Mr. President, if that is a good rule for the sovereign, it is a good rule for the symbol of the sovereign. Every American citizen and every American soldier is a symbol of American sovereignty when we send him abroad; and, unless we protect him, we demean and degrade the very sovereignty he represents. Certainly, I would not embrace a doctrine of that kind.

He is something more than an American; he is something more than a mere soldier. He is no less an American when serving in France than he is when he is on the soil of his native or of his adopted country. He remains a representative, then, of the American sovereignty. That, to me, seems to follow logically from the doctrine which was spelled out by John Marshall long ago; and so he is entitled to the same protection abroad that he gets at home.

Would he get that protection under this proposal? I do not believe so. I have examined it. I find that he shall have a speedy trial; he shall be confronted with the charges; he shall be confronted by witnesses; there shall be compulsory process for witness; there may be the right of counsel; he shall be entitled to have an interpreter and the presence of a representative of his country; and any court will be agreeable—if the rules of the court permit. That is what the document which is before us at the present time says.

But there are other things in the proposal that do not so readily meet the eye. In the first place, it is one of the cardinal principles of American jurisprudence that there is a presumption of innocence until a person is proved guilty. There is no presumption of that kind that goes along with him under the document which is before the Senate. There is no assurance of the right to a trial by jury. Yet, if one will examine the first 10 amendments to the Constitution of the United States he will find set forth therein, in the sixth amendment, that there shall be the right of trial by jury in a criminal case, and a right to have compulsory process for witnesses, as well as representation by counsel. Nothing like that is guaranteed to our troops abroad by this instrument. So the effect of it is to subject an American sovereign, in the person of an American soldier, to the mercies and to the limitations of a foreign court. As I say, and as I assert over and over again, he may be in Indochina, he may be in Japan, in France, or in Korea; but while he is in uniform, he is still an American; and if he has a guaranty here, how can we, under the organic law upon which this country is founded, barter away that guaranty, that right? I, for one, will not do so. There is no guaranty here against excessive bail, there is no guaranty against cruel and unusual punishment.

That is the situation before us. Does an American, when we send him abroad, lose his American attributes in a foreign country, where he may be tried by 4 or 5 magistrates instead of by a jury, if that happens to be the procedure of the country? I do not think so.

So I approve, and I shall vote for the reservation which will be offered by the Senator from Ohio. If I did not vote for it, I would find it pretty difficult on the 17th of September, 1953, to go on a platform somewhere in the country and there proclaim the virtues of the Constitution of the United States and to elaborate upon what the Bill of Rights has meant to us, having upon my heart and upon my conscience constantly the recollection that the Bill of Rights does not apply to an American soldier abroad, since, in my capacity as a Senator, I took those rights away from him.

Mr. President, I shall not leave our American soldiers who are abroad to the mercies of any country. I think the time is at hand now to make sure that those rights shall be safeguarded.

It was pointed out by my distinguished and learned friend from Massachusetts [Mr. SALTONSTALL] a moment ago that only 15 persons were languishing somewhere in foreign countries. I think I am correct in saying it was 15. Mr. President, if there were but 1, and he did not get a fair trial and was not treated in consonance with the first 10 amendments to the Constitution of the United States, that would be 1 too many. It is not a question of numbers. It is not a question of whether it is 1 or 10 or 1,000 or 10,000. It is a question of an ideal. It is a question of what is right. So, in proportion as it attaches to or impairs the right of a single American, that is just one too much.

So, Mr. President, I want to be sure that his sovereignty is asserted when a young man goes abroad because of the compulsion of his own country that places him in a uniform and sends him as an invited guest to a foreign country to carry on his military duty. I want to be sure that his American attributes, his American character, and his American rights are fully preserved wherever he may be.

If the foreign nation's jurisprudence is such that it is in conformity with the guaranties provided in the United States, then no one could object to his being tried in a court in that country. If there is no cruel or unusual punishment, if there is the necessary process, if there is a jury, if he can get the witnesses he wants, if there is no self-incrimination, if there is no double jeopardy, if he is appropriately indicted or a presentment is made, then, all right, because that is what the Constitution provides for; that is what we would do for him at home, and I would do no less for him as we send him off to the far corners of the earth as a crusader in the cause of liberty and freedom.

Mr. President, it would be pretty difficult for me to reconcile any action approving the agreement without a reservation when I think of the young Americans abroad. After all, are they not crusaders for liberty? Are they not defenders of the cause of freedom? That is one idea we have asserted in nearly every document, in nearly every official paper of which I have any recollection. It was recited and emphasized in the Atlantic Charter. It is recited in the preamble of the United Nations Charter, in all the documents, in all the correspondence we have officially carried on with many countries. Over and over again we have been asserting this cause of freedom.

With me, Mr. President, that cause is almost synonymous with the safeguards which have been written into the first 10 amendments of the Constiution; and when the next Constitution Day comes, I want to be pretty sure that I

have not charged my conscience with an action which will not square with the right, because if the Constitution is good enough for a young American crusader for freedom when he is at home, it should equally be good for him as we send him to Indochina or Japan or Korea or Germany, or to any other corner of the earth, to carry on the ideal and the tradition of this country.

For that reason, Mr. President, I feel, as a matter of conscience, that I must support the reservation submitted by the Senator from Ohio. If that shall fail, I see no other course to pursue than to vote against the agreement.

Mr. WILEY. Mr. President, I always listen with profit to the distinguished Senator from Illinois. I desire to invite attention, before we vote, to a few of the realities of the situation. Twelve nations have negotiated or are about to negotiate this agreement. If the Senator from Illinois had heard the distinguished Senator from Kentucky [Mr. COOPER] today as he expounded the law of the situation, he would recognize that there is nothing in the agreement which is contrary to the Constitution. The Constitution of the United States is the supreme law of this land.

Mr. President, if we shall fail to ratify this treaty, what will happen? Let us see what the realities are.

All over Europe today there are tentative agreements with municipalities, states, and nations, but under them our boys are not getting the same break as they will get if we ratify this agreement. Shall we leave it in statu quo? In statu quo, someone has said, means "in a hell of a fix." [Laughter.]

Mr. President, I have before me a letter from Mr. Frank C. Nash, in which he says:

THE SECRETARY OF DEFENSE,
Washington, May 7, 1953.

Hon. ALEXANDER WILEY,
United States Senate.

DEAR SENATOR WILEY: I understand that Senator Bricker expects to submit a reservation to the NATO Status of Forces Agreement which would provide that, as a sending state, the United States would have exclusive criminal jurisdiction over its forces in NATO countries and as a receiving state, the United States would, on request, waive its criminal jurisdiction over NATO forces in this country.

I am disturbed by this proposed reservation simply because I am convinced that its adoption by the Senate would result in a net loss of rights and privileges for our forces in the NATO countries. This result would come about because in all likelihood the reservation would prevent ratification of the agreement.

The article on criminal jurisdiction is one of the key provisions of the agreement and was the subject of protracted negotiation. Any drastic variation in its formula—a formula which was carefully designed to take into account the interests of the sending and receiving states, the unprecedented nature of the North Atlantic Treaty Organization, and the way the forces of the member countries are organized and deployed—would, in my opinion, be tantamount to a rejection of the agreement.

If the agreement should fail, our forces would be left where they are now—covered in some countries by special or temporary arrangements and treated in others in accordance with the individual country's views of what is customary and appropriate. These arrangements and these views vary tremendously from country to country and are subject to change. I am convinced that further efforts to crystallize them either by bilateral agreements or by the negotiation of some other multilateral agreement would not be as advantageous to our forces as the rights and privileges which we will receive under the NATO Status of Forces Agreement.

It is the position of the Department of Defense that the NATO Status of Forces Agreement is workable and practical and provides the essential framework in which status problems can be readily solved.

Sincerely yours,

FRANK C. NASH,
Assistant Secretary of Defense (ISA).

In relation to some of the questions which have been argued today, Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks a memorandum which I have had prepared under the heading, "Under International Law Armed Forces of a Friendly Nation Stationed in Foreign Territory Are Not Immune From the Criminal Jurisdiction of the Territory Except by Consent of the Sovereign."

That subject was argued very lucidly this afternoon by various Senators, and I am sure that those who listened came to the conclusion that under this agreement we are receiving rights; we are not giving up rights. That, I think, is very clear.

Consequently, I feel that if we were to adopt the Bricker reservation we would simply throw a monkey wrench into the works, and the result would be that we would have nothing.

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

UNDER INTERNATIONAL LAW ARMED FORCES OF A FRIENDLY NATION STATIONED IN FOREIGN TERRITORY ARE NOT IMMUNE FROM THE CRIMINAL JURISDICTION OF THE TERRITORY EXCEPT BY CONSENT OF THE SOVEREIGN

Senator BRICKER asserted in connection with consideration of the NATO Status of Forces Treaty that under international law "Troops of a friendly nation stationed within the territory of another are not subject to the laws of the other country, but are subject to their own country's laws." From this it is argued that the treaty gives United States forces stationed abroad less immunity from the criminal jurisdiction of other NATO countries than they would have under international law, because under the treaty such forces will be subject to local law for crimes committed when not on duty.

This assertion as to the law is entirely too broad. No such exemption exists except with the consent of the receiving state, and the statement before the Senate Foreign Relations Committee that there is no doctrine in international law that the receiving nation must give such exemption correctly states the law.

The international law on the subject may be stated as follows: Armed forces of a friendly nation stationed in foreign territory are not immune from the criminal jurisdiction of the sovereign, except by its consent.

JURISDICTION IS TERRITORIAL AND ALL EXCEPTIONS MUST BE BY CONSENT OF THE SOVEREIGN

Chief Justice Marshall stated the basic principle as follows:

"The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself * * *. All exceptions, therefore, to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself. They can flow from no other legitimate source." (*The Schooner Exchange v. McFaddon*, 7 Cranch 116, 134 (1812).)

IN CERTAIN CASES CONSENT TO IMMUNITY CAN BE IMPLIED UNLESS NEGATIVED

Although sovereignty is territorial, and any limitation thereon must flow from the consent of the sovereign, it has been held that consent to a waiver of jurisdiction may be implied as well as express.

In the schooner *Exchange*, Judge Marshall pointed this out, saying, "A sovereign is understood to cede a portion of his territorial jurisdiction * * * where he allows the troops of a foreign prince to pass through his dominions. In such case, without any express declaration waiving jurisdiction over the army to which this right of passage has been granted, the sovereign who should attempt to exercise it would certainly be considered as violating his faith. By exercising it, the purpose for which the free passage was granted would be defeated. * * * The grant of a free passage therefore implies a waiver of all jurisdiction over the troops during their passage."

But the Justice was careful to point out that the implied waiver of jurisdiction could be negatived by other circumstances showing the sovereign had no such intention. After stating that foreign ships of war, entering "the port of a friendly power open for their reception, are to be considered as exempted by the consent of that power from its jurisdiction," the Justice proceeds to point out:

"Without doubt, the sovereign of the place is capable of destroying this implication. He may claim and exercise jurisdiction either by employing force, or by subjecting such vessels to the ordinary tribunals. But until such power be exerted in a manner not to be misunderstood, the sovereign cannot be considered as having imparted to the ordinary tribunals a jurisdiction, which it would be a breach of faith to exercise."

SUMMARY OF LAW

1. The jurisdiction of a sovereign nation within its territory is exclusive and absolute.

2. Armed forces of a friendly nation stationed in a foreign territory are not immune from the criminal jurisdiction of that sovereign, except by its consent.

3. That consent may be implied under certain circumstances from the mere invitation to enter, but any such implication of consent is destroyed by any act of the sovereign which shows that he does not intend to give such consent or waiver.

The authority cited by Senator BRICKER does not conflict with the above statement, and does not support his assertion that such immunity exists as a matter of international law, absent consent of the sovereign. The author quoted (Jurisdiction over Friendly Foreign Armed Forces, by Archibald King) [1] summarizes the law as follows:

"The invitation or permission of the host country to enter its territories carries with it, at least unless clearly denied, an implied exemption or immunity of the personnel of the visiting forces from the jurisdiction of the local courts and a consent to the functioning of the courts-martial of such forces."

THE NATO COUNTRIES HAVE NOT CONSENTED TO WAIVE THEIR JURISDICTION BY PERMITTING FOREIGN MILITARY TO ENTER THEIR TERRITORIES

From the above it will be noted that the immunity is based upon the consent of the inviting sovereign, either expressed or implied. If it exists only by consent, it can be withheld by failure to give consent, thus confirming that the sovereign is under no compulsion to give its consent. This is a

[1] 36 American Journal of International Law 539, October 1942.

recognition that the immunity does not exist as of right as a result of international law, but as a result of the consent of the receiving sovereign. The only international law applicable is in the interpretation of the effect of the permission to enter, it being arguable that the permission carried with it by implication the sovereign's consent to immunity, unless such implied consent is negatived or denied.

In the case of the NATO countries, parties to the treaties, it is clear that by permitting the entry of foreign armed forces they did not intend to nor did they consent to a waiver of their jurisdiction.

The 14 NATO countries are all sovereign nations. Each possesses the right to invite or not invite the entry of the military forces of other nations into its territories, and each possesses the right to require them to leave.

These nations have made clear that their invitations to enter and to remain are on condition that a satisfactory agreement be made as to their status under the laws of the receiving state. They have all made clear that their invitation is on condition that such military forces be not exempt from the criminal jurisdiction of the receiving sovereign when not on duty, although they are willing to grant immunity with respect to acts performed in the course of duty.

This being the clear and admitted fact, there is no basis for implying a consent to a surrender of sovereignty from the fact that they are present in the foreign country by permission. The very conditions surrounding the permission clearly negative this.

If further evidence were needed to the fact that such a consent to surrender jurisdiction is not to be implied from the permission to enter or from the presence of the military forces, it is supplied by the following:

1. The reiterated positions of the sovereigns who deny their intention to surrender their sovereignty, coupled with their power as sovereigns to withdraw their permission;

2. The establishment of interim arrangements by agreements which do not recognize such immunity;

3. The fact that numerous prosecutions of United States military personnel in the local courts of NATO countries have occurred and are occurring; [2]

4. The negotiation and signing of the treaty by the 14 nations concerned, declaring the limited extent to which they are willing to surrender their sovereignty.

PRACTICE DENIES IMMUNITY

Do foreign states recognize immunity from criminal jurisdiction for foreign armed forces stationed on their territory? The experience of the United States does not so indicate.

During the war the Department of State, in support of the military authorities of the United States, sought to obtain exclusive criminal jurisdiction for our forces abroad. Negotiations to this end were pressed with every available argument of expediency and law. In some cases, notably in the United Kingdom and in Canada, it was successful. However, in neither the United Kingdom nor Canada was such jurisdiction conceded as a matter of right under international law.

The British Government pointed out that the grant of such immunity was a "very considerable departure * * * from the traditional system and practice in the United Kingdom." The Canadian Government at all times denied such immunity as a matter of right. Nevertheless, both the United Kingdom and Canada as a matter of good will and wartime cooperation by unilateral acts granted the United States exclusive jurisdiction over its forces in their territories.[3] In Great Britain this was done by act of Parliament (United States of America (Visiting Forces) Act, 1942; 5 and 6 Geo. VI), in Canada by Order in Council under wartime powers (Order in Council P. C. 9694, Dec. 20, 1943). The Canadian Order in Council lapsed and was followed by the Visiting Forces (United States of America) Act of April 1, 1947 (11 Geo. VI), under which Canada retains jurisdiction to try members of the United States forces in Canadian courts. In Great Britain, the United States of America (Visiting Forces) Act, 1942, although still in effect, was intended only as a wartime measure, and will become ineffective as soon as legislation already enacted by the British Parliament implementing the NATO Status of Forces Agreement is put into force.

UNITED STATES MEASURES RESPECTING FOREIGN MILITARY FORCES

As a measure of reciprocity for the British and Canadian acts during the war, the United States Congress, at the instance of the State, War, and Navy Departments, passed Public Law 384 of the 78th Congress (22 U. S. C. 701) to implement the jurisdiction of foreign service courts in the United States. This act was brought into force, in accordance with its terms, as to the United Kingdom and Canada by Presidential Proclamation No. 2226, October 11, 1944. The act confers no jurisdiction on foreign military tribunals in the United States, and it is clear from the report of the Committee on the Judiciary of the United States Senate that the Congress did not recognize for foreign military forces any general immunity from the criminal jurisdiction of civil courts in the United States. The report stated that:

"This proposed legislation, closely related to the war, is of a temporary and conditional nature, since its operation is revocable at the pleasure of the President, as agent of the Congress, under section 6. This is an important feature of the bill. At any rate, Congress is at liberty to repeal or amend at any time.

"The committee do not concede that any foreign military court has more than conditional jurisdiction while on our soil."

Referring no doubt to information in the Secretary of State's letter to the Speaker of the House forwarding the draft legislation that in an exchange of notes the British Embassy had been advised that "the interested agencies of this Government were of the opinion that British service courts and authorities in the United States have the right under our law to exercise jurisdiction over members of their forces," the report further states:

"The committee do not recognize as treaty commitments whatever commitments on the part of the United States may be found in the international diplomatic correspondence hereinafter set forth."

CURRENT ARRANGEMENTS RESPECTING UNITED STATES FORCES ABROAD

There are presently in force between the United States and a number of countries agreements relating to United States forces which contain provisions relating to the exercise of criminal jurisdiction over such forces:

United Kingdom—August 1, 1950 (T. I. A. S. 2105).

United Kingdom—July 21, 1950 (T. I. A. S. 2099 (Bahamas Long Range Proving Ground)).

Portugal—September 6, 1951.

Denmark—April 27, 1951 (T. I. A. S. 2292).

Japan—February 28, 1952.

Iceland—May 5, 1951 (Annex, May 8, 1951) (T. I. A. S. 2295).

Saudi Arabia—June 18, 1951 (T. I. A. S. 2290).

Philippines—March 14, 1947 (T. I. A. S. 1775).

Dominican Republic—November 26, 1951.

A series of arrangements concluded with France and Italy during the last few years recognize the right of these sovereigns to exercise criminal jurisdiction over United States forces. In none of the agreements or arrangements referred to does the United States have the exclusive right to exercise jurisdiction over all offenses committed by members of its forces except in the agreement with Japan and in the agreement with Denmark, relating to Greenland, exclusive jurisdiction now exists but is to be replaced by jurisdictional arrangements like those under NATO Status of Forces.

In addition to the above agreements, the NATO Status of Forces Agreement which was concluded in a free and open negotiation by all of the NATO countries and which is now before the Senate for its advice and consent to ratification represents the largest measure of immunity from territorial criminal jurisdiction which the NATO countries were prepared to grant to each other. It seems probable that they would not be willing to grant that measure of immunity to non-NATO countries. During wartime the United States made every effort to obtain the greatest degree of immunity from local jurisdiction for its forces abroad and was largely successful in doing so. But these immunities resulted from negotiations on the subject, and were covered by agreements or statutes, and did not rest upon a recognized rule of international law that such troops were exempt from local criminal jurisdiction.

It is thus clear from the experience of the United States that foreign countries are not willing to grant complete immunity from their criminal jurisdiction to members of armed forces stationed on their territory in peacetime and that they do not recognize any obligation to do so at any time. Therefore, the NATO Status of Forces Agreement gives to such forces rights and privileges which would not exist in the absence of this treaty.

As the treaty was to be reciprocal, the status of foreign troops in this country had to be considered, and it was deemed unrealistic to assume that the Congress would grant absolute immunity to foreign troops, particularly in view of the action of the Senate Judiciary Committee indicated above in its report on Public Law 384.

Information furnished by the Department of Defense indicates many instances in which members of the Armed Forces of the United States stationed on foreign territory have been and are being tried in the local courts of NATO countries for offenses under the local law. It is apparent from this widespread practice that territorial sovereigns do not consider that such persons have any immunity from the local jurisdiction.

From the foregoing it is evident that the expression of the free will of the states referred to, in conventions and by usage, indicates that they do not recognize as of right any general immunity from their laws. It is precisely because no immunity is recognized as of right that the United States and other countries find it necessary in each case where their forces are stationed on foreign territory to negotiate concerning the measure of immunity which the territorial sovereign as a matter of mutual convenience may be willing to grant. The 12 NATO countries which negotiated the Status of Forces Agreement now before the Senate were aware of the principles of international law and were willing to abide by them.

[2] Senator FERGUSON presented for the RECORD a compilation showing numerous prosecutions of United States military personnel for violation of criminal statutes in NATO countries since January 1, 1951. CONGRESSIONAL RECORD, vol. 99, p. 4670.

[3] Neither Great Britain nor Canada would extend the exemption to armed forces of other nations stationed in their territories, thus demonstrating their view that such exemption did not exist as a matter of international law.

AUTHORITIES CITED IN SUPPORT OF PROPOSITION THAT IMMUNITY EXISTS AS MATTER OF LAW DO NOT SUSTAIN POSITION

The contentions of those who claim the immunity exists as a matter of law are based on the statements of certain writers on international law and on dicta in certain decisions of the Supreme Court of the United States. An examination of these authorities indicates that they do not attempt to sustain the proposition that this immuniy exists as a matter of law, but only, as declared in the schooner *Exchange*, that a consent or waiver by the sovereign will be implied from an invitation to enter, in the absence of evidence that the sovereign does not intend to consent to such waiver.

International law is what nations recognize and practice, and not what writers advocate.[4] However, since whatever authority exists for the immunity view stems either directly or indirectly from the dicta of Chief Justice Marshall in the *Exchange* case, brief reference will be made to that decision (*The Schooner Exchange* v. *McFaddon*, 7 Cranch 116). The case related not to armed forces but to the immunity of a naval vessel of a friendly foreign power from the local jurisdiction, an immunity recognized today. However, in the course of its decision holding such vessel immune, the court referred to "a class of cases in which every sovereign is understood to waive the exercise of a part of that complete exclusive territorial jurisdiction which has been stated to be the attribute of every nation." In this class he placed the case of foreign troops granted a right of passage and stated that "The grant of free passage * * * implies a waiver of all jurisdiction over the troops during their passage, and permits the foreign general to use that discipline, and to inflict those punishments which the government of his army may require."

It is first to be noted that Marshall's dictum refers only to foreign troops in transit and not to those stationed in the territory. Therefore, it is not relevant to the NATO situation or to any situation in which the United States is presently concerned.

Next, it is not clear what the Chief Justice meant by the term "jurisdiction." It is likely that he meant that the military authorities of the foreign forces should have the right to discipline their forces and to inflict the punishments which military discipline dictated. This was the view of Chief Justice Jordan in the Australian case of *Wright* v. *Cantrell* (44 S. R. M. S. W. 45 (1943)), who stated as his opinion:

"That what the learned judge [i. e., Marshall, C. J.] had in mind was exercise of jurisdiction which would prevent the troops from acting as a force—something analogous to preventing a ship-of-war from being in a position to act as such, including interference by local courts with the maintenance of discipline—not exercise of jurisdiction over individual soldiers in respect of liabilities incurred or wrongs done perhaps out of all connection with their military duties."

Finally, Marshall's dictum is based on an implied waiver of the territorial sovereign's jurisdiction. The International Court of Justice in the *Lotus* case declared, "Restrictions upon the independence of states cannot * * * be presumed.[5] Clearly, they cannot be presumed in the face of specific denial. The fact is that the NATO countries were and are unwilling to accept a waiver of sovereign rights, except as expressed in the NATO Status of Forces Agreement.

Other cases sometimes cited in support of the contention for absolute immunity of armed forces are *Coleman* v. *Tennessee* (97 U. S. 509), *Dow* v. *Johnson* (100 U. S. 158), and *Tucker* v. *Alexandroff* (183 U. S. 425). The first two cases involved the rights of military authorities in occupation of enemy territory during belligerency, and therefore have no relevance to the question under consideration here. *Tucker* v. *Alexandroff* dealt with the question whether a member of a visiting force in the United States of America could be arrested by the local authorities not for an offense under the local law but in response to a request for his arrest from the authorities of his own government. This case likewise is irrelevant on the facts. Moreover, it involved the interpretation of a treaty between the countries concerned and not general principles of international law.

AUTHORITIES DENYING EXISTENCE OF EXEMPTION

It is impossible in a memorandum of this length to consider all of the cases in foreign courts and all of the authorities. However, reference will be made to a few.

Triandafilou c. *Ministere Public* (the Mixed Court of Cassation of Egypt), cited in Barton, British Yearbook of International Law, 1950, p. 225, involved an accused member of the crew of a Greek warship anchored in Egyptian waters with the consent of the Egyptian Government. The accused contended that as a member of a friendly foreign force in Egypt he was, under international law, immune from the jurisdiction of the Egyptian courts. The court said in that case that there did "not exist in fact any usage of international law which legally (limited) the sovereignty of the country where the ship (was) found."

In another case in the same court, *Malero Manuel* c. *Ministere Public* (idem, p. 226), the court, after a comprehensive review of the authorities, said: "To sum up, it is clear * * * that * * * there exists no generally recognized rule of international law which extends the principle of immunity from jurisdiction, in the case of a sojourn of foreign troops by consent, in respect of offenses against ordinary law."

In a recent exhaustive examination of the whole subject, a British writer concluded:

"That there exists a rule of international law according to which members of visiting forces are, in principle, subject to the exercise of criminal jurisdiction by the local courts, and that any exceptions to that general and far-reaching principle must be traced to express privilege or concession." (idem, p. 234.)

GENERAL COMMENT

It must be borne in mind that this treaty covers the conditions under which large bodies of foreign troops are stationed in friendly nations in peacetime for a long period of time. It presents a radically different situation than that existing in time of war during a period of active belligerency.

The NATO nations as sovereign nations claim their right to determine when foreign troops shall enter their territories and the conditions under which they shall remain. The United States naturally takes the same position.

The argument that foreign troops should have certain rights and immunities on friendly territories can therefore rise no higher than an appeal to the friendly nation to agree upon what rights and immunities will be accorded such troops, for the friendly nation, being in a position to refuse the entry of such troops or their continued residence, must be brought to agree on the conditions under which they shall be received and entertained.

CONCLUSION

The contentions of those advocating the immunity are supported neither by the authorities nor by practice. Faced with the necessity of making practical arrangements for our Armed Forces in foreign countries which do not recognize any immunity of such forces from their jurisdiction, the NATO Status of Forces Agreement was concluded and is regarded by all of those agencies concerned as a satisfactory solution of the problem.

The treaty gives United States troops rights and immunities they would not have in the absence of a treaty, and the United States in turn is not yielding to foreign troops on United States territory rights or immunities incompatible with our interests or sovereignty.

Mr. LONG. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield.

Mr. LONG. Can the Senator point out to us what rights we are acquiring in any of the nations that we do not have today? It is difficult for me to see that, under the agreement the Senator is asking us to ratify, we are gaining any more rights than we now have.

Mr. WILEY. That question was covered substantially this afternoon, but I shall place a more detailed reply in the RECORD. I have here a letter which was addressed to me by Walter Bedell Smith which enumerates quite definitely answers to the question which the Senator from Louisiana has asked. The letter is as follows:

MAY 5, 1953.

The Honorable ALEXANDER WILEY,
Chairman, Senate Foreign Relations Committee.

MY DEAR SENATOR WILEY: My attention has been drawn to the reservation intended to be proposed by Senator BRICKER to the agreement between the parties to the North Atlantic Treaty regarding the status of their forces, signed at London on June 19, 1951, Executive T, 82d Congress, second session, which reads as follows:

"The Senate advises and consents to the ratification of Executive T, 82d Congress, 2d session, regarding status of forces of parties to the North Atlantic Treaty, signed at London on June 19, 1951, subject to the reservation, which is hereby made a part and condition of the resolution of ratification, that the military authorities of the United States as a sending state shall have exclusive jurisdiction over the members of its forces or civilian component and their dependents with respect to all offenses committed within the territory of the receiving state, and the United States as a receiving state shall, at the request of a sending state, waive any jurisdiction which it might possess over the members of a force or civilian component of a sending state and their dependents with respect to all offenses committed within the territory of the United States."

It is the opinion of the Departments of State and Defense, that it is neither necessary nor desirable for the United States to seek or have exclusive jurisdiction by treaty over its forces, civilian components, or their dependents in the NATO countries, nor to grant exclusive jurisdiction over similar foreign persons with respect to offenses committed within the territory of the United States.

It is the further view of these Departments that it would not be possible to negotiate a treaty with such provisions, for the other parties have indicated their refusal to surrender any such jurisdiction as the resolution calls for.

It seems even more clear that the United States should not grant to foreign troops and their civilian components, complete immunity from our criminal jurisdiction.

The record of the hearings before the committee makes it clear that this treaty provides the basis for satisfactory operations abroad. The statements of General Bradley, the Chairman of the Joint Chiefs of Staff, and of General Ridgway, establish this point from the military point of view. At page

[4] The *S. S. Lotus*, Court of International Justice. II Hudson, World Court Reports (1935), 20, 33, 35.

[5] The *S. S. Lotus, supra.*

34 of the record, General Bradley's statement contains the following:

"It is only fair in concluding my comments upon this treaty to add that it does not contain every single right and exemption desired by the armed services from the point of view of a sending state. This, of course, is because it is a multilateral treaty, and also because it is designed to balance the rights of each state, both as a sending state and a receiving state. The rights and exemptions which are contained in the treaty, however, provide the basis for satisfactory operations and are essential for such operations. I am confident that with good relations between our military authorities and local authorities abroad, the problems covered by this treaty will be solved to the mutual advantage of all concerned."

At page 36 of the hearings, the following statement of General Ridgway appears:

"The status of forces agreement does not fully satisfy all that the United States or any other country might desire. It does, however, represent the best common denominator of conflicting national requirements which could be agreed upon by the NATO nations. Particularly, considering that it is a reconciliation on a multilateral basis of diverse national views, its terms appear appropriate and acceptable. It is in that respect a noteworthy achievement and evidence of the NATO cooperative effort. From the point of view of my responsibility as the United States commander of United States Forces in the area, I support its ratification. Without ratification, that spirit of mutual trust and confidence, so vital to NATO's success, would sustain a very damaging blow."

Further, on page 11 of the hearings, the Secretary of Defense is quoted as stating:

"Operationally, these agreements are sound. They are workable and practical. They do not contain the absolute solution for every problem which will arise, but they provide the essential framework in which these problems can be solved. They are another step forward in our program to protect the security of our country, a step which the President has called important and unprecedented. I urge that the agreements be approved."

It would therefore appear clearly to be established that exclusive jurisdiction of our forces, civilian components, or dependents abroad, is not necessary from the military point of view. I wish to add my personal endorsement, based upon my own military experience, to that conclusion.

Let us now turn to the question as to whether exclusive jurisdiction of this group of persons is desirable from the point of view of the United States.

First of all let us narrow and clarify the issue. Under the proposed treaty, the United States would have primary jurisdiction over offenses committed by any member of its forces or of a civilian component arising out of any act or omission of performance of official duty. In other words insofar as the presence of an American overseas is dependent upon the fact that he is serving with the Armed Forces, and insofar as the offense with which he is charged is connected with that service, it is quite clear that the United States has primary jurisdiction. This is covered in paragraph 3 (a) (ii) of article VII of the agreement.

It is only with respect to offenses not connected with duty that take American citizens overseas that the United States would not have exclusive jurisdiction over offenses punishable by its law.

The question then really comes to this: Is it desirable to seek to have exclusive United States jurisdiction over these American personnel for crimes which they commit abroad which are not connected with the duty which takes them there? I can see no reason why the United States should feel that such a condition should attach to these persons any more than to other American citizens present overseas on their own or official business. The standard of conduct and of jurisdiction should be identical.

I testified at length from long and intimate personal experience that complete extraterritoriality in the field of criminal jurisdiction is not an unmixed blessing. My testimony on this subject appears on pages 23, 46, and 65 of the hearings. The essence of that testimony is that from experiences in the last war, when we did have exclusive criminal jurisdiction, we were the subject of extremely bitter criticism abroad because of the harshness of certain of our courts-martial sentences, when local law—in that case British law—did not impose punishments of equal severity. This exemplifies the broad problem of good relations between our forces abroad and the people and governments who receive them. The impact on foreign relations arising from such a situation can be very deep and very serious, striking at the very strength of the NATO alliance.

The report of the Foreign Relations Committee, at pages 11 and 12, expresses this aspect clearly:

"Exclusive criminal jurisdiction, amounting to extraterritoriality, itself creates difficult problems. In the eyes of the local population, it sets Americans apart as a special, privileged class, and this fact acts as a constant irritant. If American courts-martial return verdicts of acquittal, or if they impose sentences which seem lenient to the aggrieved parties, they are open to charges of favoritism. If, on the other hand—as has sometimes happened—they impose sentences substantially greater than those provided by local law for the same crime, they can be accused of flouting local customs and sensibilities. Regardless of how fair and just American courts-martial may be, the existence of exclusive criminal jurisdiction seems to the other country to be an infringement of its sovereignty."

Finally, with respect to seeking exclusive jurisdiction of American personnel abroad, I urge that major policy considerations not be lost sight of.

First: The United States Government as a matter of policy does not seek extraterritoriality anywhere in the world. To do so, in this case, when there is neither necessity nor desirability, would give a foundation to critics of our policy, at home and abroad, on the score that we are indirectly seeking imperialistic aggrandizement and attempting to subject other nations to our activities. The fact that the proposal is reciprocal would be lost sight of in view of the predominant number of American personnel abroad involved.

Second: The concept of exclusive jurisdiction strikes at the very essence of the North Atlantic Treaty Organization. NATO is a coalition of sovereign powers, freely banded together in a common effort. The reservation would in effect vitiate article II of the agreement and indicate that local sovereignty was to be sacrificed for military necessity. As I have indicated above, there is no such military necessity. To foreign eyes, whether friendly or not, this could appear an unwarranted attempt to use the stationing of forces abroad in a common defense effort as a means to secure an extension of the authority of the United States in the territory of its sovereign allies. Inasmuch as we are dealing here with countries of common cultural bonds united together in the North Atlantic Community, all of whom have advanced and fully civilized systems of law, it is apparent that the implied affront would strike at the common spirit and morale of the North Atlantic Treaty Organization.

In conclusion, let me turn to the reciprocal aspects of the proposal. Certainly they would not be proposed but as the price for exclusive jurisdiction over American personnel abroad. As it has been demonstrated that this price is not worth paying, the issue is apparent rather than real. To grant exclusive jurisdiction in the United States would be an unnecessary surrender of the sovereign rights of the 48 States and the Federal Government.

This treaty was arrived at only after long and difficult negotiations. The proposed reservation would require renegotiation of this important aspect of the treaty. I am convinced that that renegotiation would not only be long but would be fruitless. In effect, then, the acceptance of the treaty, recommended without qualification by the executive branch, would be postponed. This would not only delay the defense effort. It would create a continuing source of conflict and dispute between NATO nations. As I stated in my letter to you of April 22, 1953, this would have serious effects upon our relations with our NATO partners.

It is therefore my earnest recommendation that the reservation not be accepted.

Sincerely yours,

WALTER B. SMITH,
Under Secretary.

I think that is a very inclusive answer to the question.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. WILEY. I yield.

Mr. LONG. Based on the letter the Senator has just read, can he see anything more explicit that would be gained by the United States, through ratification of the agreement, than an agreement to extend sympathetic consideration to our request; and that we would be able to negotiate further? Do we not have a right to negotiate further, based on agreements already in existence?

Mr. WILEY. What I have read speaks for itself. Even if we enter into pending agreements, we will have a right to negotiate further. That is a right we always have. We do not exclude ourselves from that right.

Mr. LONG. In the letter just read by the Senator from Wisconsin, great emphasis was placed on the fact that sympathetic consideration would be given to our requests. I thought we could expect that much consideration anyway.

Mr. WILEY. I heard the distinguished Senator from Michigan [Mr. FERGUSON] make some very important remarks to the effect that this agreement represents a cooperative effort between the United States and the other nations of NATO. I trust the cooperation will continue. I trust it will not be said that my country was the one to do anything dangerous to further cooperation.

Mr. McCARRAN. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield.

Mr. McCARRAN. Does the Senator from Wisconsin now say that cooperation will not continue unless the treaty is ratified? Is that his attitude?

Mr. WILEY. I did not say that. What I said was that I trust the United States will demonstrate that we mean, at least, to continue to cooperate, and that we will not be the first one to stick a dagger into NATO.

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

Mr. WILEY. I yield.

Mr. TOBEY. Was not what the Senator from Wisconsin really intended to say: "I do not want my country to be the one that throws a wrench into the monkey?" [Laughter.]

Mr. WILEY. The Senator is correct; or to throw a monkeywrench into the cause of world peace.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Griswold	McClellan
Anderson	Hayden	Millikin
Barrett	Hendrickson	Monroney
Beall	Hennings	Mundt
Bennett	Hickenlooper	Murray
Bricker	Hill	Neely
Bridges	Hoey	Pastore
Bush	Holland	Payne
Butler, Md.	Humphrey	Potter
Carlson	Hunt	Purtell
Case	Ives	Robertson
Chavez	Jackson	Russell
Clements	Jenner	Saltonstall
Cooper	Johnson, Colo.	Schoeppel
Cordon	Johnson, Tex.	Smathers
Dirksen	Johnston, S. C.	Smith, Maine
Douglas	Kefauver	Smith, N. J.
Duff	Kerr	Sparkman
Dworshak	Knowland	Symington
Eastland	Kuchel	Thye
Ellender	Langer	Tobey
Ferguson	Lehman	Watkins
Flanders	Long	Welker
Frear	Magnuson	Wiley
George	Mansfield	Williams
Gore	Martin	Young
Green	McCarran	

The PRESIDING OFFICER (Mr. CARLSON in the chair). A quorum is present.

Mr. LONG. Mr. President, I wish to say a very few words about this reservation. The junior Senator from Louisiana had an opportunity to visit many of these places during the past year. During that time he was privileged to know something about some of the agreements which have been made with foreign nations. It is unfortunate that the Senate does not know more about such agreements. Many of such agreements, as I understand, are not available even to our Foreign Relations Committee. I believe that fact is being brought out in the hearings on the Bricker proposal to give the Congress some right to have a voice in connection with executive agreements.

I was particularly impressed with the fact that there was a failure to protect the rights of this Nation, particularly so far as the expenditure of our funds is concerned in acquiring air-base rights. In many cases we were spending $50 million or $100 million under circumstances in which we did not have the right to stay there even while we were spending the money. Many of us thought that would prejudice the rights of the Nation to spend tens of millions of dollars somewhere where we had no right even to be spending the money.

To recall one instance, we authorized the expenditures of an enormous sum in Saudi Arabia. We had no right to remain on that base. We found the same situation to exist in many other places.

There was no adequate protection of our base rights; yet we were spending many millions of dollars. This was all part of a picture. We were asked to rush American men and money all over the world to confront the Communist menace. The reason we could not protect our rights was that this Nation was so anxious to get men into those places that we had not bargained for the protection of our interest in connection with the base rights.

The investigation of the North African Air Base illustrated that fact. We could not protect ourselves by seeing to it that we got a dollar's worth of production for every dollar we were spending, because our services and our State Department were so anxious to rush construction of the bases that precautions were not taken to get good agreements.

For example, in many cases we could not insist that the low bidder for a contract would get the work, because we had been so anxious to go in that we had to let the nation controlling the property have its way, and more or less name the terms under which we went in.

In England we found this situation: We were rushing ahead to construct air bases when we had no arrangement for the sharing of costs. The first bases we had undertaken to construct were bases with respect to which the English would put up 40 percent of the money, and we would put up 60 percent. However, this Nation was so anxious to have additional bases constructed that, with the mere understanding that there was to be some arrangement about sharing costs, we proceeded to rush in and pay the entire expense, hoping that Britain, in good faith, would be willing to put up a small amount of money later. I believe there has been a failure to protect the rights of this Nation so far as our money was concerned.

I believe the same thing will be found to be true so far as the rights of our men are concerned. I believe it will be found that in many instances our troops have been rushed to various nations and places where we were anxious to station troops, without having made arrangements to assure that we could protect the rights of our men in those nations. So perhaps there is something of a chaotic situation which should be straightened out. But if it is to be corrected, it seems to me that it should be corrected in terms of protecting the rights of our men, as the Senator from Ohio [Mr. BRICKER] has suggested, in pursuance of the traditional international arrangement under which our men go overseas, which includes the right of the Nation to protect its own soldiers. That is the principle which I believe should prevail.

This agreement has a few little face-saving provisions. There is a provision that when an American soldier comes into conflict with a foreign national, he is to have the right to an attorney and to have an interpreter. Nevertheless, the fact remains that he is to be tried in a foreign court, under foreign law. In most places the fact is that there is a strong prejudice against the presence of American troops.

The prejudice is much greater in many other places, including France, and it may be still worse in other places. Here we are being asked to surrender to foreign powers the right to see that our men are tried under our own laws and by our own courts.

Anyone knows that in all communities where prejudice runs high against our men some of those young men have told of civilians spitting on them on streets when they were under orders from their commanding officers that under no circumstances were they to fight. In those areas we know that when those men come into conflict with foreign nationals and they are tried before a foreign judge and a foreign jury, in a foreign court, our men stand very little chance. We might as well face that fact.

This agreement is called a Status-of-Forces Treaty, providing for protection of the rights of troops when they are on foreign soil. As a matter of fact, in the case of the other nations, their troops are not on foreign soil. They are on their own soil. When Englishmen operate in France they do not build great housing establishments to house their airmen, as we do. They fly to France, conduct an exercise on a French airstrip, and fly back, in many instances the same day, to Britain, where they came from. It is the American boys who live on foreign soil.

Likewise, when French forces maneuver, it is either on their own soil or on soil that they occupy in Germany. In those areas I suppose their laws would still be supreme. They operate in French Morocco and other areas under French sovereignty. They would have very little cause to worry about the status of their forces when they are in foreign nations, because, as a practical matter, they are not there for any length of time. Only once in a long time are their forces on foreign soil.

We have before us a treaty negotiated by 14 nations; but there is only 1 of those nations; namely, the United States, which has any substantial interest in protecting the right of its troops when they come into conflict with the rights of civilians or nationals of other countries. It seems to me that we should insist that the rights of our men be protected; and if we are negotiating with 13 other nations we should realize that of the entire number we are the only nation which has an interest in placing the rights of its troops who are stationed on foreign soil above the rights of foreign civilians.

I submit that any negotiator working to protect the rights of his people in negotiating with foreign nations could not bring in a more miserable failure than we have before us, so far as assurance of protection of the rights of Americans is concerned.

We are told—and I believe the Senator from Ohio [Mr. BRICKER] has information to prove this point—that the record establishes that we have made a commitment, and that when this agreement is ratified we shall lose the friendship of every other nation unless we apply the same concept in other areas. The Senator from Ohio pointed out to me that in the hearings it was so testified by those representing the administration. There will be discrimination against other nations in the event that we do not apply the same rule to them. It has already been agreed that when this agreement is ratified the same principle will be applied to Americans in Japan. That commitment has already been made, if I understand correctly.

We have troops stationed in Libya. That is an Arabic nation. We have troops in considerable number scheduled to be stationed in Saudi Arabia.

What is one of the main problems in Saudi Arabia? It is the fact that even on the American airbase the sheik in that area insists that the law of that area should apply, and that he should be able to punish offenses under the law of that nation, even when such offenses are committed on the American airbase, although we are to spend large sums of money there. We are told that it is difficult for us to get civilians of this Nation to work in Saudi Arabia. One of the difficulties is that we cannot keep the nationals of that nation off the area. They come to motion-picture shows conducted by Americans, and sometimes they are offended by what they see. That creates diplomatic incidents, and we must settle the controversies.

When a civilian goes to that country, he is subject to the law of Saudi Arabia. If one of them is found guilty of the slightest theft—and, mind you, based upon this treaty, the question of whether he is guilty of the theft or not would be tried under Arabian law, in Arabian courts—the punishment for theft in that area is to cut off the person's hand.

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

Mr. LONG. I yield.

Mr. KNOWLAND. In the first place these treaties do not apply to Arabia. That point was brought out very clearly in the hearings before the Foreign Relations Committee. Arabia is not involved in this situation.

In the second place, according to the testimony before our committee, the Moslem law has never been applied to any person other than a Moslem.

Mr. LONG. My understanding, as I have stated, is that these nations pretty well understand that when by this agreement we apply certain principles to 14 foreign nations, we are going to apply the same principles to other nations. We have already recognized that concept in negotiating with some of them.

Mr. President, the Senator from California can say that he does not know of any person of American citizenship or European citizenship who has had his hand cut off in Arabia. However, the fact is that Arabic law would apply. The point was clearly made to me by representatives of the State Department and representatives of the armed services, that that is one of the problems they must contend with in the construction of an air base in that area. We will have to accept that concept and that principle. That is sufficient for me, Mr. President. We already have trouble spots. In France, for example, we find the hammer and sickle displayed and we find on the walls inscription, "U. S. Go Home." Our boys will have to be tried in foreign courts, and they are very unhappy about such a prospect.

Mr. President, if we are anxious to protect the rights of American citizens and to protect the rights of our American boys, whom we insist on sending overseas involuntarily, we should instruct our negotiators, in negotiating treaties with respect to the rights of our citizens, that they should see to it that the rights of our citizens are protected in foreign lands.

Therefore I shall vote in favor of the Bricker reservation. If the Bricker reservation does not carry I shall feel compelled to vote against the ratification of the treaty.

Mr. KNOWLAND. Mr. President, the treaties were negotiated by the past administration under the authority of the Government of the United States, and they have been sent to the Senate by the present administration. A short time ago this afternoon I received a letter dated today, from the White House. It reads:

THE WHITE HOUSE,
Washington, July 14, 1953.

The Honorable WILLIAM F. KNOWLAND,
United States Senate,
Washington, D. C.

DEAR SENATOR KNOWLAND: You have asked me for my view with respect to the importance of the NATO Status of Forces Agreement and Headquarters Protocol, these being the agreements which define the legal status of NATO forces and headquarters in all the NATO countries.

In my judgment, failure of the United States to ratify these agreements could seriously affect the security of the United States, for such failure could result in undermining the entire United States military position in Europe.

I can certainly appreciate the concern of those who fear that these agreements might subject American soldiers overseas to systems of criminal justice foreign to our own traditions. I do not share such fears, however, because of the many years' experience I have had in command of American troops overseas. That experience convinces me that our friends abroad will continue to cooperate, as they have in the past, in turning over those charged with offenses against their laws to our own military courts for trial.

Ratification of these agreements would be a great forward step toward cementing the mutual security effort among the nations of the free world, and I earnestly hope that they will be ratified by the United States without reservations that would require their renegotiation.

Sincerely,

DWIGHT D. EISENHOWER.

Mr. President and Members of the Senate, if the so-called Bricker reservation is adopted, the treaties will have to be renegotiated.

On the other hand, the reservation which has been presented by the chairman of the Committee on Foreign Relations, lays down a sound doctrine and sets up certain standards for our representatives in the State Department and in the military establishment to follow. If they do not get the cooperation of the foreign governments, the executive branch of our Government is instructed to send the information to the Armed Services Committees of the Senate and of the House of Representatives, so Congress may be immediately notified.

I submit that there is probably no man who has had more experience in dealing with problems abroad in the handling of American troops than has President Eisenhower. I submit that not only did the past administration and the past Chief Executive of the country request that the treaties be ratified, but they have been confirmed and approved by the present Chief Executive and Commander in Chief.

There have been read on the floor of the Senate today letters from all the responsible military officials, past and present, to the effect that this agreement is essential to the national defense of the United States. The writers of the letters include General Ridgway, who was the commander in Europe; General Gruenther, who is the new commander in Europe; Admiral Carney, who has been the commander in the Mediterranean and who is the new Chief of Naval Operations; General Nordstad, who was the commander of the Air Force abroad; and Admiral Radford, who is to be the new Chairman of the Joint Chiefs of Staff. They are just as vitally interested as are we in protecting the rights of Americans and in protecting the morale of our forces overseas. The treaty has been considered by the Committee on Foreign Relations of the Senate. It has been recommended to the Senate by the Committee on Foreign Relations by an overwhelming vote.

I submit, if we adopt the Bricker reservation, we might as well vote to kill the treaties because that would be the end result, in my judgment, and in the judgment of the executive branch of the Government.

On the other hand, adoption of the reservation which has been presented by the Committee on Foreign Relations will not require renegotiation of the treaties. It will, as I pointed out, outline a policy to our own executive branch.

In the final analysis, the nations with which we are dealing are associated with us in a mutual-defense plan. We are in Europe for our protection and for the purpose of helping to maintain a free world of free men. These are civilized nations with which we are dealing. They are some of the greatest civilized nations on the face of the earth. They are not going to mistreat our men. If they should do so in an isolated case, our commander is charged with the responsibility of immediately taking it up with the authorities, and if he does not get satisfaction he must immediately take it up with the Secretary of State, and he must proceed through diplomatic channels.

From what I know of the President of the United States, I am absolutely certain that if he had a single case called to his attention in which he felt an American was being mistreated, he would use the full power of the Government of the United States in taking it up with the head of the other state, to make sure that the situation did not continue.

If any nation should be so foolish as to deliberately flout or try to antagonize the people of the United States, in the final end result, of course, the President and the Congress would have the right to withdraw our troops from those countries.

The treaty is necessary and it is desirable. It has been recommended by the past administration and by the present administration. I hope the Bricker reservation will be rejected and that the reservation of the committee will be adopted.

The PRESIDING OFFICER (Mr. CARLSON in the chair). The agreement is before the Senate and open to amendment. If there be no amendment to be proposed, the agreement will be reported to the Senate.

The agreement was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification with the reservation will be read.

The legislative clerk read the resolution of ratification, with the committee reservation, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive T, 82d Congress, 2d session, an agreement between the parties to the North Atlantic Treaty regarding the status of their forces, signed at London on June 19, 1951.

It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the agreement, that nothing in the agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security, and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States.

The PRESIDING OFFICER. The question is on agreeing to the reservation to the resolution of ratification.

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

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. I understand that the chairman of the Foreign Relations Committee has submitted to the committee reservation to the resolution of ratification an amendment which, in effect, is an addition to it.

The PRESIDING OFFICER. Yes. The Chair rules that the committee reservation is subject to amendment.

Mr. KNOWLAND. Is the amendment which has been submitted by the Senator from Wisconsin at the desk?

The PRESIDING OFFICER. It is.

Mr. KNOWLAND. I ask that the amendment be read, for the information of the Senate.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

II

In giving its advice and consent to ratification, it is the sense of the Senate that:

1. The criminal jurisdiction provisions of article VII do not constitute a precedent for future agreements;

2. Where a person subject to the military jurisdiction of the United States is to be tried by the authorities of a receiving state, under the treaty the commanding officer of the Armed Forces of the United States in such state shall examine the laws of such state with particular reference to the procedural safeguards contained in the Constitution of the United States;

3. If, in the opinion of such commanding officer, under all the circumstances of the case, there is danger that the accused will not be protected because of the absence or denial of constitutional rights he would enjoy in the United States, the commanding officer shall request the authorities of the receiving state to waive jurisdiction in accordance with the provisions of paragraph 3 (c) of article VII (which requires the receiving state to give "sympathetic consideration" to such request), and if such authorities refuse to waive jurisdiction, the commanding officer shall request the Department of State to press such request through diplomatic channels and notification shall be given by the executive branch to the Armed Services Committees of the Senate and House of Representatives;

4. A representative of the United States to be appointed by the Chief of Diplomatic Mission with the advice of the senior United States military representative in the receiving state will attend the trial of any such person by the authorities of a receiving state under the agreement, and any failure to comply with the provisions of paragraph 9 of article VII of the agreement shall be reported to the commanding officer of the Armed Forces of the United States in such state who shall then request the Department of State to take appropriate action to protect the rights of the accused, and notification shall be given by the executive branch to the Armed Services Committees of the Senate and House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Wisconsin to the reservation submitted by the committee, as previously reported. [Putting the question.]

The amendment to the committee reservation was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the reservation submitted by the committee, as amended. [Putting the question.]

The reservation, as amended, was agreed to.

Mr. BRICKER. Mr. President, I call up the reservation which I have submitted.

The PRESIDING OFFICER. The reservation submitted by the Senator from Ohio will be stated.

The legislative clerk read as follows:

The Senate advises and consents to the ratification of Executive T, 82d Congress, 2d session, regarding status of forces of parties to the North Atlantic Treaty, signed at London on June 19, 1951, subject to the reservation, which is hereby made a part and condition of the resolution of ratification, that the military authorities of the United States as a sending state shall have exclusive jurisdiction over the members of its force or civilian component and their dependents with respect to all offenses committed within the territory of the receiving state, and the United States as a receiving state shall, at the request of a sending state, waive any jurisdiction which it might possess over the members of a force or civilian components of a sending state and their dependents with respect to all offenses committed within the territory of the United States.

The PRESIDING OFFICER. The question is on agreeing to the reservation submitted by the Senator from Ohio.

Mr. BRICKER. Mr. President, I do not wish to discuss at length the reservation or the issues involved in the agreement; but I desire to submit at this time, before the vote is taken, a few articles, and editorials. One of them is entitled "Bricker Scores a Point," and was published in the Tablet on June 6, 1953. Another is entitled "American Asks HICOG Writ in German Jailing," and was published in the Stars and Stripes of May 29, 1953. Another is entitled "Foreign Countries Give United States Cold Shoulder." This article was written by Victor Risel. Another is an editorial entitled "Due Process Denied," and was published in the Washington Times-Herald of July 8, 1953.

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

[From the Tablet of June 6, 1953]

BRICKER SCORES A POINT

Senator JOHN BRICKER, of Ohio, scored a point recently when, in caustic language, he took up the appeal made to the Senate Foreign Relations Committee by Under Secretary of State Bedell Smith and State Department legal adviser, Herman Phleger, in support of a treaty with the North Atlantic Treaty Organization (NATO).

The two State Department representatives endorsed the treaty which would provide that Americans on NATO duty in Europe might be tried by European courts under foreign procedure and without United States constitutional protection.

In vigorous and colorful language, Mr. BRICKER not only demanded that the Senate refuse approval of the proposed treaty but he bitterly scored a strange argument utilized by Messrs. Smith and Phleger before the committee. They told the committee, Senator BRICKER said, that under illegal secret agreements made by former President Truman and now in effect, American personnel are subject to foreign jurisdiction. Therefore, Messrs. Smith and Phleger maintained, the proposed treaty would legalize what many believe is illegal and would continue publicly what had been consummated privately.

Senator BRICKER asserted: "Never in my experience as a United States Senator have I heard a more brazen challenge to the constitutional authority of Congress. The Senate is commanded, in effect, to lie down and roll over."

The usurpation of congressional power should be stopped. Such an agreement as the trial of American Government employees in foreign courts without regard for their constitutional rights is dangerous, particularly when some courts, like those in parts of France, Italy, and elsewhere, are Communist-controlled.

Let it be taken for granted that the present State Department opposes bootleg foreign agreements, but let us not forget that, if the Bricker amendment were in force, no such illegal secret agreements would be possible.

[From the Stars and Stripes of May 29, 1953]

AMERICAN ASKS HICOG WRIT IN GERMAN JAILING

FRANKFURT, May 28.—A HICOG judge today took under advisement the determination of the court's authority to issue a writ of habeas corpus upon a German jail official for release of an American businessman held here on a tax claim.

Judge John J. Speight said he will give his decision at 1 p. m. tomorrow in the case involving Richard E. Knorr, 36-year-old Union, N. J., businessman, a former major in the Army.

Knorr's attorney, Earl J. Carroll, said the Germans refused to free Knorr on bail because he is a foreigner and that he might try to flee the country.

Carroll also drafted an appeal for intervention by High Commissioner James B. Conant in the case.

FIFTY-NINE THOUSAND FIVE HUNDRED DOLLARS AT STAKE

Carroll's petition before Speight today states that the Germans claim that Knorr owes about 250,000 marks ($59,500) in taxes on sales of equipment by Knorr to the United States Army between June 1950 and October 1951.

In his petition, Carroll stated that Knorr was brought before a local German judge, Otto Ulrich, about 3 p. m. yesterday but was told he could not be represented by counsel at the hearing.

Ulrich told Knorr, according to the petition, he would not be permitted to contact his wife or counsel until he signed a statement to the effect that he owed the taxes in question. After signing Knorr was permitted to phone his wife, who contacted Carroll.

PAYMENT CLAIMED

Carroll stated in the hearing in Speight's chambers today that Knorr has paid all taxes asked by the Germans since the period in question, and that he has been negotiating with the Germans about taxes in question.

Knorr, according to Carroll, has maintained his residence in France where he owned a furniture factory supplying furniture to Army installations. Knorr only maintained an office in Frankfurt, Carroll told the court.

The petition states that Knorr had received the advice of attorneys that he was not liable for the taxes for the 16 months in question, but that he offered on May 6 to compromise the figure asked of him by the German tax office.

SAYS HE'S DEPENDENT

Carroll also stated that Knorr, during this period, was a member of a family accredited to the occupation forces. Mrs. Knorr at the time was an accredited correspondent for the Chicago Tribune.

On this ground alone, Carroll argued, the Germans had no right to seize Knorr.

One of the arguments put forth by Carroll stated that Knorr's arrest was in violation of international law which prohibits officials of a conquered nation from assuming criminal jurisdiction over the nationals of the occupying sovereign.

"The decision in this case will constitute a precedent affecting thousands of American citizens and corporations presently engaged in provisioning the Armed Forces of the United States in areas scattered throughout the world and that the denial of the relief asked may well constitute a "precedent that will impair the national security of the United States," the petition states.

Knorr is confined in a small cell, with two others, in the Hammelgasse jail here.

Knorr is an official in Ampurex, Inc., a corporation licensed in the state of Lichtenstein. He formerly was executive manager of the Stars and Stripes.

FOREIGN COUNTRIES GIVE UNITED STATES COLD SHOULDER

(By Victor Riesel)

We all know why the world loves the chips in our pockets—but now it is rapidly becoming a matter of national life and death for us to discover why the world has a chip on its shoulder when it sees our troops, our airbase construction workers and our diplomats abroad.

Ever since the Italian election, a small group, including this columnist, has communicated with men stationed across the globe to learn why we couldn't win a popularity contest in a race with a locust swarm in any country. No one really knows why—but one thing is certain. We're disliked. We're resented. Some psychiatrist will have to explain why. We can only report that even our 200,000 civilian construction workers abroad are being stoned and scorned, hounded, and insulted snubbed and told to go home—from Iceland to Japan.

The United States is building a new bomber base, for example, near Keflavik, second city in Iceland. We went to considerable trouble to make certain that at least two Icelanders were hired for every one of the 500 skilled workers we sent up to that Arctic bastion.

Still, the authorities there assign only six policemen to stave off almost daily beating of our men. The phrase "lousy Americans" is standard jargon. Any United States construction worker caught fighting is jailed and later warned by the authorities "to go home if he doesn't like it in Iceland."

I've seen documents in the Construction Men's Association files in which our men, most of them AFL workers, complained, "Icelandic waitresses in the American mess hall serve their own countrymen first, but make Americans wait unduly long for service and then serve only cold, greasy and almost inedible food." Complaints bring vitriolic retorts. Frequently the girls will call for the guards, also Icelanders. If the Americans continue to protest, they are ejected.

On the streets the men are ignored and treated as pariahs. Apparently this cold shoulder is not endemic to Iceland. The treatment is just as bitter in the British Isles. In fact, so utterly intolerable became the actions toward our GI's and construction and maintenance men in England recently that even the usually anti-American section of the British Labor Party (led by Aneurin Bevan) protested officially to their own countrymen.

Bevan's mouthpiece is the Tribune, a tabloid which doesn't exactly specialize in subtleties when commenting on international affairs.

Not too long ago, for example, it praised Pravda's attack on President Eisenhower. Yet even this publication a few weeks back protested that the British treatment of American GI's is brutal.

The writer appealed to the British sense of fair play. He urged them not to turn their backs on our Air Force men when our boys enter a pub. He said he had seen British folk deliberately slam house doors in the faces of GI's.

All this and more is revealed by returning members of the Construction Men's Association. At least 75 of them have brought back reports that they've been physically assaulted even in Paris. The bus used by an American oil company to transport American overseas personnel from the Orly Airport to a Paris hotel is stoned regularly each trip.

These physical assaults are reported happening right across the globe. Most recently, the association heard from its people in India that they were encountering violence there for the first time.

In fact, only in Pakistan are our men and soldiers warmly received in the Orient. Evidence that oriental bitterness is strong can be seen in a report from Tokyo which was pigeonholed recently to prevent any reaction in the United States.

[From the Washington Times-Herald of July 8, 1953]

DUE PROCESS DENIED

Senator JOHN W. BRICKER, of Ohio, who is the leader of a movement in Congress to place restrictions on a proposed treaty under which Americans attached to the North Atlantic Treaty Organization may be yielded to the national courts of our allies for trial, has been hearing from victims already railroaded in European courts.

The Senate has not authorized any treaty by which these men are submitted to European national jurisdictions. But, when the State Department came urging such a treaty, it acknowledged that Mr. Truman, while President, had secretly agreed to these arrangements with the other NATO powers. No suggestion was offered by State Department spokesmen that Mr. Truman's under-the-table deal had legal sanction. It was merely argued that, inasmuch as Americans are already subject to foreign trial by secret and unlawful Presidential commitment, it would be better to give the process an appearance of respectability by adopting a treaty to approve it.

When the Army and other services were called to give an accounting of the number of Americans tried and condemned under this bootleg procedure, they pleaded inability to do so. There was not the slightest doubt that their refusal to report was an attempt to cover up a scandal. But Senator BRICKER's denunciation of these illegal trials, in which Americans are denied the protection of due process guaranteed them by the Constitution, was productive of a great number of letters setting forth the details of the cases of Americans condemned in Europe. These came both from the victims and from members of their families.

The letters to the Senator establish all of his contentions—namely, that European procedure is radically different from that of American courts of law, allowing, among other things, hearsay evidence; that the American rule that a man may not be convicted as long as there is a reasonable doubt of guilt is not honored in European courts; that, whereas the Constitution guarantees trial by jury, the jury is not supreme in many foreign jurisdictions where it is merely a group of assessors sitting with judges and may be, in certain instances, in the minority; and that freedom on bail, which is automatic in this country except for capital offenses, is generally denied in European procedure.

The complaints of men who have been subjected to European process have also acquainted Mr. BRICKER and his colleagues with other circumstances which did not figure in their original objections. These are, principally, that American forces in Europe are widely unpopular with the national populations to whose defense they have been assigned, and that Europeans with a phobia against the United States are often eager to frame them and convict them. This is especially true in France and some other countries where the Communist element represents a formidable proportion of the population.

The evidence already in possession of Senator BRICKER establishes the fact that it would be wholly unwise to subject Americans to prosecution under such circumstances. Instead, the Eisenhower administration should be exercising its influence to undo Mr. Truman's illegal arrangements and to restore Americans in Europe to the jurisdiction of the courts of their own country.

The administration, judging from the complaints that have reached the Senator, has also lent itself to something that certainly could not have been in its calculations. An American will be struck by the similarity of the treatment accorded American citizens under this cession of jurisdiction to foreign tribunals to the process of judicial lynching sanctioned by the New Deal for treating the leaders of defeated enemy countries as war criminals. In both instances the defendants are not tried under the law of their own country for offenses recognized by their own country. In both instances they are subject to the pleasure of courts composed of foreigners, and in both instances they are dealt with in accordance with procedure which is not recognized as law in their own country.

Even the defenders of the Nuremberg hanging bee have never contended that such a code of justice was applicable to anyone except enemies condemned in advance as evildoers. They did not for a moment contend that an American ought to be given the same treatment. But the European trials of Americans do not differ in essence from what we did at Nuremberg to the enemy. The only distinction is that in these cases our supposed allies are seizing the occasion to use their courts to vent their spite and hostility on us.

Mr. BRICKER. Mr. President, this evening we are asked to ratify three treaties, the effect of which would be, first, to exempt from prosecution in the countries wherein they are located at present all diplomatic representatives of the United States and of foreign countries under NATO. These persons, who in many instances receive high salaries, and who have voluntarily accepted their responsibility, in some cases may be exempted from paying the taxes which ordinarily most of us have to pay. But in contradistinction to the rights which are extended to the civilians under NATO, with their diplomatic immunity and the special privileges and considerations given to them by the parties signatory to the treaty, we find one class, composed of the members of the Armed Forces of the United States who are serving in the various countries signatory to the agreement, who will be deprived of the right of trial under the military authorities of the United States and the right of trial by their fellow United States citizens. The members of our Armed Forces who are in that situation, and they alone, are proposed to be placed under the jurisdiction of foreign courts and to be subjected to the procedures of foreign trials, and to have imposed upon them penalties that would be inflicted under the laws of the foreign nations in which they find themselves. Mr. President, that is a discrimination which I, for one, will not vote to have made, when I realize that our civilians who are voluntarily in those foreign countries will receive the protection of United States laws and the right of trial by United States courts and the constitutional protections to which all citizens of the United States are entitled, whereas by means of this treaty it is proposed that those protections be denied the United States citizens who, while serving in our Armed Forces, are stationed in those foreign countries. I cannot understand how any Senator could in good conscience vote in favor of the making of such a distinction, and then face a returning soldier, especially one who might have been convicted under rules and procedures different from those he would enjoy in the United States, and who might have had inflicted upon him penalties which would never be countenanced under United States jurisprudence.

Mr. President, in this case we are called upon to make a distinction between the way United States civilians in such foreign countries shall be treated and the way that members of the United States Armed Forces serving in those countries shall be treated, although in many cases the members of our Armed Forces were involuntarily called into the service and were sent to those foreign lands.

By means of this treaty, we are asked to turn over those citizens of the United States—members of our Armed Forces—to foreign courts; and by the committee interpretation or understanding or reservation which has been submitted, it is proposed that they must rely only upon the good will of the country which penalizes them, and must do so in hopes that that country will respond to the request of our State Department; subsequently, the Armed Services Committees of the Congress will be notified if that country does not respond to the request. What those committees could do under those circumstances, I do not know. It seems to me that the only result would be to create more confusion out of the chaos already established as a result of the ratification of this agreement.

Are we going to stand by the members of our Armed Forces? Are we going to see that the flag of our country still flies, undefiled, over them? Are we going to see that the flag of the United States follows the members of our Armed Forces, who, in uniform, serve the United States wherever they may be sent?

That is the issue before the Senate. This is the hour when we shall show our faith and our trust in the Constitution and the Bill of Rights, and when we shall decide whether those immortal documents shall be applied for the benefit of those who serve in the Armed Forces of the United States, under the Stars and Stripes.

The PRESIDING OFFICER. The question is on agreeing to the reservation submitted by the Senator from Ohio to the resolution of ratification.

Mr. KNOWLAND. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Nevada [Mr. MALONE], the Senator from Wisconsin [Mr. MCCARTHY], the Senator from Ohio [Mr. TAFT], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

If present the Senator from Wisconsin [Mr. MCCARTHY] and the Senator from Oregon [Mr. MORSE] would vote "yea" on the pending question.

The Senator from Arizona [Mr. GOLDWATER] is absent on official business.

Mr. CLEMENTS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Iowa [Mr. GILLETTE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The Senator from Texas [Mr. DANIEL], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from West Virginia [Mr. KILGORE], and the Senator from Mississippi [Mr. STENNIS] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent on official business.

The result was announced—yeas 27, nays 53, as follows:

YEAS—27

Bennett	Hendrickson	McClellan
Bricker	Hunt	Russell
Bridges	Jenner	Schoeppel
Butler, Md.	Johnson, Colo.	Smathers
Cordon	Johnston, S. C.	Symington
Dirksen	Langer	Watkins
Dworshak	Long	Welker
Eastland	Magnuson	Williams
Frear	McCarran	Young

NAYS—53

Aiken	Beall	Case
Anderson	Bush	Chavez
Barrett	Carlson	Clements
Cooper	Holland	Murray
Douglas	Humphrey	Neely
Duff	Ives	Pastore
Ellender	Jackson	Payne
Ferguson	Johnson, Tex.	Potter
Flanders	Kefauver	Purtell
George	Kerr	Robertson
Gore	Knowland	Saltonstall
Green	Kuchel	Smith, Maine
Griswold	Lehman	Smith, N. J.
Hayden	Mansfield	Sparkman
Hennings	Martin	Thye
Hickenlooper	Millikin	Tobey
Hill	Monroney	Wiley
Hoey	Mundt	

NOT VOTING—15

Butler, Nebr.	Gillette	Maybank
Byrd	Goldwater	McCarthy
Capehart	Kennedy	Morse
Daniel	Kilgore	Stennis
Fulbright	Malone	Taft

So Mr. BRICKER's reservation was rejected.

Mr. KNOWLAND. Mr. President, I am about to move that the Senate stand in recess, in executive session, until 12 o'clock tomorrow.

The PRESIDING OFFICER. Does the Senator wish to have the Senate proceed further with the agreement?

Mr. KNOWLAND. No, I desire to move that the Senate take a recess until 12 o'clock noon tomorrow, in executive session.

Mr. MUNDT. Mr. President, will the Senator withhold the motion?

Mr. KNOWLAND. I am willing to withhold the motion so that Senators may make insertions in the RECORD.

AMENDMENT OF DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1953

As in legislative session,

Mr. CASE. Mr. President, I should like to have the attention of the majority leader and the minority leader, as I desire to ask unanimous consent for the immediate consideration of a bill I am about to introduce designed to meet a technical situation in connection with the firemen's and policemen's pay bill recently passed.

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

Mr. CASE. I yield.

Mr. KNOWLAND. I understand the Senator is about to ask unanimous consent that the Senate proceed to consider a bill he is about to introduce to correct a recent pay bill passed, but if the Senator would be agreeable I suggest that he bring that up at noon tomorrow. In the meantime there will be a chance for the minority leader to look over the material the Senator has to present, and I am sure no undue harm would be done by letting it go over until tomorrow. In the interim the Senator may care to get some printed copies of the bill so that they will be available for Senators.

Mr. CASE. I shall be glad to accept the suggestion of the majority leader, but I should like to state that a little earlier this afternoon I consulted the Senator from Montana [Mr. MANSFIELD], who is a member of the Committee on the District of Columbia and is familiar with the technical situation which needs to be met, and he himself was willing that action be taken.

Mr. KNOWLAND. The majority leader will give assurance that tomorrow there will be an opportunity to act on the resolution.

Mr. CASE. I would only care to have the RECORD show that I did consult the Senator from Montana [Mr. MANSFIELD] while he was acting as minority leader.

Mr. President, I now introduce a bill to amend the District of Columbia Police and Firemen's Salary Act of 1953, and ask unanimous consent that it lie on the table.

The PRESIDING OFFICER. The bill will be received, and will lie on the table, as requested by the Senator from South Dakota.

The bill (S. 2394) to amend the District of Columbia Police and Firemen's Salary Act of 1953, introduced by Mr. CASE, was received, read twice by its title, and ordered to lie on the table.

ADDITIONAL JOINT RESOLUTION INTRODUCED

Mr. McCARRAN, by unanimous consent, introduced a joint resolution (S. J. Res. 102) to provide for transfer to the War Claims Fund of $57,284,365.78 from remaining World War I assets of the Office of Alien Property, which was read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL MATTERS ORDERED PRINTED IN THE APPENDIX

By Mr. FERGUSON:

Statement prepared by him with reference to the announced approval of the Postmaster General of a stamp to commemorate the fiftieth anniversary of the American trucking industry.

By Mr. MUNDT:

Address entitled "National Security and Individual Freedom," delivered by Donald R. Richberg, at the afternoon session of the University of Virginia Institute of Public Affairs, July 10, 1953.

By Mr. BENNETT:

Editorial from the Salt Lake Tribune of July 5, 1953, regarding insurance protection for CAB aviators.

RECESS

Mr. KNOWLAND. In executive session, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 8 o'clock and 51 minutes p. m.) the Senate, in executive session, took a recess until tomorrow, Wednesday, July 15, 1953, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 14 (legislative day of July 6), 1953:

DIPLOMATIC AND FOREIGN SERVICE

Joseph Simonson, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

ATOMIC ENERGY COMMISSION

Joseph Campbell, of New York, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1955, vice Thomas Keith Glennan, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 14 (legislative day of July 6), 1953:

UNITED STATES DISTRICT JUDGES

Joseph P. Willson to be United States district judge for the western district of Pennsylvania.

George H. Boldt to be United States district judge for the western district of Washington.

UNITED STATES ATTORNEYS

Charles W. Atkinson to be United States attorney for the western district of Arkansas.

William Cozart Calhoun to be United States attorney for the southern district of Georgia.

Edwin R. Denney to be United States attorney for the eastern district of Kentucky.

Harry Richards to be United States attorney for the eastern district of Missouri.

Hugh K. Martin to be United States attorney for the southern district of Ohio.

John W. McIlvaine to be United States attorney for the western district of Pennsylvania.

John C. Crawford, Jr., to be United States attorney for the eastern district of Tennessee.

Millsaps Fitzhugh to be United States attorney for the western district of Tennessee.

William M. Steger to be United States attorney for the eastern district of Texas.

John Strickler to be United States attorney for the western district of Virginia.

UNITED STATES MARSHALS

William W. Kipp, Sr., to be United States marshal for the northern district of Illinois.

James L. May to be United States marshal for the southern district of Alabama.

Frank O. Bell to be United States marshal for the northern district of California.

Thomas J. Lunney to be United States marshal for the southern district of New York.

Roy A. Harmon to be United States marshal for the western district of North Carolina.

Harold Sexton to be United States marshal for the district of Oregon.

Howard S. Proctor to be United States marshal for the district of Rhode Island.

Richard A. Simpson to be United States marshal for the eastern district of Virginia.

PATENT OFFICE

Arthur Wilbur Crocker, of Maryland, to be Assistant Commissioner of Patents.

Byron H. Carpenter, of Maryland, to be examiner in chief of the Patent Office.

Nogi A. Asp, of Washington, to be examiner in chief of the Patent Office.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 14, 1953

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou who art the inspiration of every noble ideal and principle, may we daily reaffirm our faith in Thy greatness and goodness and highly resolve to always dedicate and range our strength, our hopes and aspirations on the side of truth and righteousness.

Grant that in these days of destiny for the people of our beloved country we may believe that freedom and peace are worth fighting and sacrificing for and that Thou wilt sustain us in our battle for every righteous cause.

Inspire us with a more serene and steadfast faith in the reality and constancy of Thy divine love and power, lest we fail and falter and become the victims of discouragement and defeatism.

May we have the glad assurance that all things are working together for those who love Thee and that some day and in Thy own time our aspirations shall be gloriously fulfilled.

Hear us in the name of the Captain of our Salvation. Amen.

The Journal of the proceedings of yesterday was read and approved.

FIRST INDEPENDENT OFFICES APPROPRIATION BILL, 1954

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4663) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1954, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. McCORMACK. Mr. Speaker, reserving the right to object, this is the appropriation bill that carries funds for low-cost public housing units.

Mr. PHILLIPS. The gentleman is right.

Mr. McCORMACK. And the Senate bill provides authority to build 35,000 units during the present fiscal year starting July 1, as I understand.

Mr. PHILLIPS. That is correct.

Mr. McCORMACK. The gentleman from California knows there is tremendous interest in that, and I would like to ask him if he will agree that unless the House conferees accept the Senate amendment providing for the 35,000 units to bring it back in disagreement so the House will have an opportunity of voting on it?

Mr. PHILLIPS. I would suppose we would have to. There would be no other technical way but to bring back the decision of the conference. There is a feeling on our part that we are obligated, as the gentleman knows, to those housing contracts already signed in good faith. I think we would meet with the Senate and discuss the matter. The Senate voted for 35,000 units; the House has voted for none. I feel that something can be worked out.

Mr. McCORMACK. Will the gentleman promise that unless the conferees agree on the 35,000 units the House will be given an opportunity to vote on that?

Mr. PHILLIPS. I would not want to give any commitment because I cannot speak for all the conferees. We would have to bring back for approval by the House whatever decision was made. I do not think I could agree that we are

going to do this or that or not do this or that in advance of the conference.

Mr. McCORMACK. The decision could place the House in a position where it could not get a straight vote on the 35,000 units. You know, the President has publicly declared that he favors the 35,000 units. The day after the bill passed in the House the President made that declaration. There were speeches made in the House while the bill was up, and on the motion to recommit, that would indicate the President was just going through a gesture.

Mr. PHILLIPS. No, I do not think we can say that; but I do think you can say that the subject has wide ramifications and there is some question as to whether the President was answering the question on this particular phase of the housing program or on the use of FHA, FNMA, and other elements which enter into housing. That has never been clarified nor have we asked to have it clarified. I am willing to accept the gentleman's statement as to the situation, except that he makes it a little firmer than I for one understand it.

Mr. McCORMACK. My recollection is that the President was talking on low-cost public housing and not on FHA or FNMA in reference to the 35,000 units during the next fiscal year and that there would be further study and survey made, but that his position was in favor of the 35,000 units being constructed on authority during the present fiscal year. I realize the difficulty of my friend from California as an individual making a statement for the conferees in general.

Mr. PHILLIPS. That is my point.

Mr. McCORMACK. I am not going to take any other position; it would be unfair, but I hope the House conferees, if they do not agree to the Senate amendment, will bring it back in disagreement so that the House may have a straight vote on the 35,000 units. I further hope that the Senate conferees, unless the House conferees agree to the Senate amendment, will stay put, forcing the House conferees to bring back the bill in disagreement so that the House will have another opportunity of voting on the 35,000 units because I think it is vitally important in view of the honest misunderstanding conveyed to the House as to President Eisenhower's position.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman from Massachusetts is undoubtedly referring to certain statements I made in the course of debate.

Mr. McCORMACK. And those of the gentleman from New Hampshire [Mr. COTTON].

Mr. HALLECK. May I say that as of today I stand on those statements I made. May I also say to the gentleman that we have had vote after vote on so-called public housing. You can call it anything you want to. As far as I am concerned I am perfectly willing to have the vote again, but I think the gentleman ought to recognize that the conferees are going into this conference as representatives of the House. I do not understand that they are going to say or do anything that would do violence to the procedures or practices that are normally followed.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. TABER. I think we ought to have in mind just what the parliamentary picture is. The gentleman knows and realizes that no matter what is in the conference report, a motion to recommit a conference report is in order, and that the question can be brought before the House if Members of the House desire to have it brought up, regardless of what is in the conference report.

Mr. McCORMACK. The gentleman from New York treated the gentleman from Massachusetts very kindly in the instructions as to the parliamentary situation that the gentleman from Massachusetts, fortunately, with his limited knowledge of parliamentary law, was familiar with. But, the gentleman from New York thoroughly understands that if a conference report comes in, in order to bring this matter to a head on a 35,000 unit-vote question, and a motion to recommit a conference report is made, that the parliamentary situation is very unsatisfactory from the angle of those who favor 35,000 units than if the conference report came in enabling the House to have a specific vote on the 35,000 units. So, while I appreciate very much the instructions on parliamentary law given to me by the gentleman from New York, I have to, most kindly, advise him, as he well knows from his years of experience, that from a practical angle the situation is much more difficult than if we have a straight vote on the 35,000 units.

Might I say to my friend from Indiana this: He says he does not know yet what the position of the President is. Is that correct?

Mr. HALLECK. No; I did not say that. I said I stand on the statement I made here in the House. It did not involve any misunderstanding. It was a statement of my opinion, and I stand on it as of today. As far as I am concerned, may I say again it is perfectly all right with me to have another vote on it. As the gentleman understands, if you want that kind of a vote on your side, you can have it.

Mr. McCORMACK. Fine. With that statement from the majority leader my friend from California ought to find it easy to make an agreement with the other two Republican Members.

Mr. HOFFMAN of Michigan. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN of Michigan. I think the full membership of the House is entitled to hear this parliamentary discussion and enjoy the filibuster. I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. HOFFMAN of Michigan. Mr. Speaker, on the advice of the Republican leader—and I want to go along with the administration—I prefer to have my advice come from the Republican side instead of that side over there. I withdraw the point of order, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. PHILLIPS].

Mr. McCORMACK. Mr. Speaker, further reserving the right to object, I hope my friend from Indiana, the majority leader, will try and ascertain the definite views of President Eisenhower. I think I know what they are from his standpoint. I hope the House conferees will agree to the Senate amendment, and, if not, I hope the Senate conferees will stay put, forcing it back into the House for a vote on a straight issue. And, with that statement, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PHILLIPS, COTTON, JONAS of North Carolina, KRUEGER, TABER, THOMAS, ANDREWS, YATES, and CANNON.

SECOND INDEPENDENT OFFICES APPROPRIATION BILL, 1954

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5690, the second independent offices appropriation bill, 1954, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PHILLIPS, COTTON, JONAS of North Carolina, KRUEGER, TABER, THOMAS, ANDREWS, YATES, and CANNON.

ELECTION TO COMMITTEE

Mr. COOPER. Mr. Speaker, I offer a privileged resolution (H. Res. 337) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That JAMES B. BOWLER, of Illinois, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Education and Labor.

The resolution was agreed to, and a motion to reconsider was laid on the table.

HIGHWAY CROSSINGS ACROSS THE BAY OF SAN FRANCISCO

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight tonight to file a report on the bill (H. R. 6201) authorizing the State of California to collect tolls for the use of certain highway crossings across the Bay of San Francisco.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONSTRUCTION OF PUBLIC BUILDINGS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that the bill (H. R. 5406) to amend the Public Buildings Act of 1949 to authorize the Administrator of General Services to acquire title to real property and to provide for the construction of certain public buildings for housing of Federal agencies or departments, including post offices, by executing purchase contracts, and for other purposes, be referred back to the Committee on Public Works.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CIVIL ACTIONS AGAINST THE UNITED STATES FOR RECOVERY OF TAXES

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 252) to permit all civil actions against the United States for recovery of taxes erroneously or illegally assessed or collected to be brought in the district courts with right of trial by jury, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. KEATING, CRUMPACKER, and WILLIS.

AMENDMENT OF SUBMERGED LANDS ACT

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5134) to amend the Submerged Lands Act, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. GRAHAM, Miss THOMPSON of Michigan, Mr. HILLINGS, Mr. MCCULLOCH, Mr. CELLER, Mr. WALTER, and Mr. WILSON of Texas.

OVERSEAS INFORMATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include a telegram from the American Legion.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have received the following telegram from Lewis K. Gough, national commander of the American Legion:

Mrs. EDITH NOURSE ROGERS,
House of Representatives,
House Office Building,
Washington, D. C.:

Legion has resolved in its national conventions that best way to win battle for peace is to win struggle for minds of men. We support revitalized independent overseas information campaign, and stand squarely behind President's proposal, Reorganization Plan No. 8. House Appropriations Committee has recommended a drastic cut of more than one-third in President's request for funds for this purpose. The effect of this cut will be approximately a 50-percent reduction after liquidation costs paid. We are convinced this action does not provide sufficient funds. Also believe restrictive personnel limit of two-thirds of those now employed in each unit, is arbitrary limitation defeating purpose of reorganization plan. So Legion urges Congress appropriate enough funds and remove personnel limitation. Since issue of direct interest to Legionnaires, will appreciate your effort to make this program successful.

Obviously they approve very strongly of psychological warfare and wish the funds to continue it.

BIG FOUR CONFERENCE WOULD HELP MALENKOV BUILD PRESTIGE

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, I agree with Adlai Stevenson, who said in Berlin a few days ago that he supports the Eisenhower go-slow policy on a four-power conference with the Russians.

Delay might clarify the situation.

Actually the next move is up to Russia. What about free elections in Germany, for example? The Western Powers sent a note to Moscow last September calling for such elections as the basis for Germany's reunification.

Yet Russia has done nothing.

The present conflict going on inside Russia might only be smoothed over by a Big Four meeting at this time. It would tend to give Malenkov the prestige and esteem he needs to hold fast to the power he seized when Stalin died.

There can be no harm in postponing a Big Four meeting for at least 6 months.

TUNA IMPORT QUOTAS

Mr. KING of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KING of California. Mr. Speaker, about a year ago at this time, I brought to the attention of the House various documents pertaining to the problem of imports of canned tuna from Japan. In my remarks at that time, I pointed out that while the continuation of such imports would have serious effects on our domestic tuna industry, the great bulk of which is located in my district and gives employment to many thousands of my constituents, the problem was not insoluble and could be handled in a way that would be reasonably satisfactory to the domestic industry, the Japanese industry, and American consumers.

Unfortunately our Government has not seen fit to attempt to reach such a solution. The Department of State, in whose hands would rest the principal responsibility for negotiating a satisfactory conclusion to the difficulty, has been otherwise so busily engaged that it apparently has had no time to come to a decision on what steps should be taken. Furthermore, I greatly fear that the Department has followed the line of least resistance and has relied on the quota imposed voluntarily by the Japanese Government on exports of canned tuna to ease the pressure on our domestic industry.

The voluntary imposition of a quota was an extremely shrewd move on the part of the Japanese Government. They correctly anticipated the effect of this move on our State Department. Nevertheless, the Japanese were not giving anything away. The quota they established was exactly what they had estimated their total production of canned tuna would be. Then, when they discovered that production during the season exceeded their preseason estimates they increased the quota to a figure again approximately equal to their actual production. They did so, however, without fanfare, without the great publicity attendant on the original announcement of the quota. They made the increase in this fashion because they knew that their later action was a virtual repudiation of their earlier action; that any great publicity would be bound to bring forth vehement protests and possibly action by our Government as the result of these protests to make the quotas a part of our law and thus not susceptible to change at the whim of the Japanese producers, who after all exert a very powerful influence on their Government.

Now the quota period has ended. Indeed, it ended on April 1.

But what has the Japanese Government done since? Has it announced a continuation of the quota system at the same level as last year? No.

Has it announced any quota at all for the fiscal year—Japanese—commencing on April 1? The answer is no.

And since nearly 3½ months have elapsed since April 1, it seems there is small likelihood that any quota will be announced and the Japanese exporters will enjoy unrestricted liberty to steal the markets away from our domestic canners. Our industry predicted a year ago that the quotas imposed voluntarily by the Japanese Government—but with the acquiescence of the Japanese industry—would last only as long as seemed to be necessary to forestall action by the Congress or by the executive branch. The events, or rather lack of events, since April 1 tend to prove that the industry's prediction was true.

Because there has been no indication that the domestic industry can expect any relief from excessive imports, and because all of the information I have gathered tends to indicate exactly the reverse, I have introduced a bill, H. R. 6261, to increase the tariff on various tuna products so that all forms of processed tuna will pay exactly the same rate of duty. This seems to be the most certain way of assuring the continued healthfulness of our vitally important domestic tuna industry.

DISARMAMENT AND PEACE

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, on many occasions President Eisenhower has said that our one great objective is to bring about permanent peace "founded upon decent trust and cooperative effort among nations." The American people are, as they have always been, a peace-loving people. We hate war. Now, as always, we seek to find practical ways by which the productive energies of the world can be devoted to constructive purposes rather than destructive.

The world is now engaged in an armament race. It is not of our making. Because of the unwillingness of the Soviet Government and her satellites to cooperate for peace, we are obliged to build up our armed strength for our own security and as a deterrent to aggression. But we have never for a moment altered our objective of achieving permanent peace under a rule of law which will protect the security of every nation.

That the people of the world may know that this continues to be our objective, that we are behind President Eisenhower in this great effort and that the United States is actively working out plans to make lasting peace possible, I am today introducing a resolution which also has the sponsorship of many Members on both sides of the aisle.

Among those sponsoring this resolution with me—40 in number—are the gentleman from Arkansas [Mr. HAYS], the gentleman from Ohio [Mr. BROWN], the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON], the gentleman from Illinois [Mr. SPRINGER], the gentlewoman from New York [Mrs. ST. GEORGE], the gentlewoman from Indiana [Mrs. HARDEN], the gentleman from Illinois [Mr. BISHOP], the gentleman from Nevada [Mr. YOUNG], the gentleman from Connecticut [Mr. DODD], the gentleman from Oregon [Mr. ANGELL], the gentleman from New York [Mr. JAVITS], the gentleman from Indiana [Mr. BRAY], the gentleman from Virginia [Mr. GARY], the gentleman from New Jersey [Mr. ADDONIZIO], the gentleman from New Jersey [Mr. HOWELL], the gentleman from Illinois [Mr. YATES], the gentleman from Wisconsin [Mr. ZABLOCKI], the gentleman from Maryland [Mr. FRIEDEL], the gentleman from Illinois [Mr. GORDON], the gentleman from Washington [Mr. MAGNUSON], the gentleman from Missouri [Mr. BOLLING], the gentleman from California [Mr. MILLER], the gentleman from New York [Mr. ROOSEVELT], the gentleman from California [Mr. HOLIFIELD], the gentleman from Ohio [Mr. REAMS], the gentleman from Minnesota [Mr. JUDD], the gentleman from Minnesota [Mr. MARSHALL], the gentleman from Minnesota [Mr. MCCARTHY], the gentleman from Oregon [Mr. NORBLAD], the gentleman from Alabama [Mr. BATTLE], the gentleman from Alabama [Mr. RAINS], the gentleman from Florida [Mr. SIKES], the gentleman from Maryland [Mr. MILLER], the gentleman from Maine [Mr. HALE], the gentleman from New Jersey [Mr. OSTERTAG], the gentleman from New York [Mr. COLE], the gentleman from Pennsylvania [Mr. KING], the gentleman from New Jersey [Mr. AUCHINCLOSS], the gentleman from New Jersey [Mr. FRELINGHUYSEN], the gentleman from Pennsylvania [Mr. MUMMA], the gentleman from Wisconsin [Mr. KERSTEN], and the gentleman from Iowa [Mr. CUNNINGHAM].

First. It states that the American Congress wants our Government to present proposals to the nations of the world providing for complete disarmament under sanctions which will protect our own security and the security of every other nation.

Second. It states our hope that some of the money which will thus be saved will be transferred to constructive ends at home and abroad and it recommends a similar course to other nations.

Third. It requests the President immediately to set in motion a study within the executive branch for the drafting and preparation of these proposals.

Many of us have been suspicious of international security arrangements that were not truly secure. We have been suspicious of international bargains in which neither United States interests nor world interests in a peaceful future have been adequately safeguarded. Too often we have been insufficiently sure of what we were getting in return for what we gave.

This resolution intends to set in motion a special study directly under the President which will explore these basic issues, which will lay the foundations for more perfect international cooperation, and which will make sure that American interests, are adequately protected.

New conditions will require new solutions. I am not interested in stereotyped phrases which commentators will use to characterize one school of thought or another on foreign affairs. I am interested only that we adopt solutions which work, which will be hardheaded and practical. I am interested in freeing our people from the arms burden, which is now about 85 percent of our national budget. I am interested in freeing our boys from the military life.

The United Nations as it is now constituted has failed to do this job. In 1955 there will be a Charter Review Conference which will give us a second chance to rebuild it into the kind of organization which is needed to perform the necessary tasks. I hope we can so build it that there will never be another case of aggression. But if there is another case of aggression, I hope there will be a way of seeing to it that the nations of the world more equally share the burden of putting out the fires of aggression.

These are part of the problems that must be considered if we are to have truly effective, truly workable, and truly foolproof disarmament on the part of all nations. Until we do get this disarmament, the United States must maintain its military strength. Our military strength will not only be helpful in our defense, it will be an asset to us at the bargaining table when we bargain for world disarmament.

The resolution which we are joining to present today can be of tremendous significance. Its sponsorship by such a large group of Members is in itself a demonstration to the world that ours is a nation which is actively seeking peace. Its passage and the final fruition of a workable American plan for disarmament will do more to convince the undecided peoples of the world that America is a peace-seeking country than all the billions we could spend on psychological warfare and radio transmitters.

If we make a proposal of this sort, and if Russia turns it down, Russia will be revealed once and for all as a country whose talk of peace is insincere and deceitful. I know that there are those who say that no news from outside can penetrate the Iron Curtain. But in recent weeks we have learned that there are cracks in the Kremlin wall. I think this resolution, if it does nothing else, will knock an even bigger crack into that wall.

Mr. HAYS of Arkansas. Mr. Speaker, I am very glad to join with the gentleman from Illinois [Mr. ARENDS] in introducing an identical resolution which has as its purpose our desire to secure the proper control and limitation of armaments in the world, thus relieving the people of the heavy burdens they now bear.

There are many Members on our side of the aisle who will join with us in this effort. I agree with the gentleman from Illinois [Mr. ARENDS] that it should be bipartisan, and I am honored to be joined by the following Members who have authorized me to announce their sponsorship of this resolution: The gentleman from Illinois [Mr. GORDON], the gentleman from Alabama [Mr. BATTLE], the gentleman from Missouri [Mr. CARNAHAN], the gentleman from Wisconsin [Mr. ZABLOCKI], the gentleman from Virginia [Mr. GARY], the gentleman from New Jersey [Mr. ADDONIZIO], the gentleman from Maryland [Mr. FRIEDEL], the gentleman from New York [Mr. ROOSEVELT], the gentleman from Washington [Mr. MAGNUSON], the gentleman from Illinois [Mr. YATES], the gentleman from Missouri [Mr. BOLLING], the gentleman from California [Mr. MILLER], the gentleman from Alabama [Mr. RAINS], the gentleman from Minnesota [Mr. MARSHALL], the gentleman from Florida [Mr. SIKES], the gentleman from New Jersey [Mr. HOWELL], the gentleman from Illinois [Mr. MACK], and the gentleman from Connecticut [Mr. DODD]. The gentleman from Ohio

[Mr. REAMS] has also requested me to include his name among the sponsors.

Mr. Speaker, this resolution says what the President of the United States said in a great address to the newspaper editors in April. It says what our former President, Hon. Harry S. Truman, said on various occasions.

Therefore, it seems to me that the gentleman from Illinois [Mr. ARENDS], who has had great experience as a student of armament problems, as a member of the Armed Services Committee, is rendering a timely service in bringing this to the attention of the House.

There are many who will wonder whether it is worth while to talk about laying the foundations of lasting peace, while our men are still in the field in Korea, and while the Russian Government gives renewed evidence of barbarism.

But if we are to abandon all hope we might just as well abandon all life.

Indeed, the greatest strength that our country has is the strength of our hope and our faith. If we can keep alive we will be able to give the kind of real leadership that will win us friends around the world more surely than any material contributions.

Peace has always represented the highest aspirations of the American people and the American Government. It comes as no great surprise that public opinion surveys make it clear that the American people want the rulers of the nations of the world to work out a foolproof system of disarmament which can be policed by the United Nation.

It is our belief that the United States should take the lead in making a proposal of this sort to the nations of the world. And we feel that it would be a magnificent and stirring gesture if our Government would dramatize the great possibilities which inhere in this idea by offering to dedicate at least a part of the sums which we could save under a system of enforceable disarmament, to alleviating suffering and raising living standards all over the world.

Of course, until secure arrangements can be worked out, the United States must look for its security to its own armed strength. Let no one make the mistake of thinking that because the Congress is pressing for action upon this subject, we are in any way letting down our guard or lessening our vigilance. We shall continue to support a military establishment second to none and a mutual security program designed to bolster the military strength of our allies.

All of us are looking for an overall settlement. This has been uppermost in the minds of the foreign ministers and will be uppermost in the minds of the heads of governments at their forthcoming Big Three conference. But an overall settlement, if it is to have any real meaning, must include an end to the arms race.

There are some Members of Congress who have told me that this resolution is merely a declaration against sin. In fairness, I should point out that this will raise substantial problems. And that if a workable solution is evolved, it will place every nation under a rule of law, under treaty commitments for all nations, including our own. The historic Baruch plan recognized this fact. What we are looking forward to here is a new and up-to-date version of the Baruch plan.

We do not know whether Russia will accept an American proposal if and when it is promulgated. But we do know this: if they do not accept it, it will be to their decided disadvantage. Whatever appeal Communist peace propaganda has had among some neutral peoples will be immediately dissipated. Indeed, Russia cannot be sure of the loyalty of the citizens of Russia and her satellites once their people learn that their government stands not for peace but for war.

Mr. Speaker, I ask unanimous consent that all Members have the privilege of extending their remarks on this subject at this point in the RECORD; and that I be permitted to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. COLE of New York. Mr. Speaker, I desire to compliment the gentleman from Illinois [Mr. ARENDS] for the resolution which he has just introduced and to aline myself with him in this very important and far-reaching proposal.

A LASTING PEACE THROUGH UNIVERSAL GUARANTEED DISARMAMENT

Mr. ZABLOCKI. Mr. Speaker, for some years now, the world has been engaged in an accelerating armament race, which has been sapping our economic strength, and threatening our lives.

We have not entered this race of our own choice, but have been forced into it by the growing power and aggressive designs of the Communist empire. Nevertheless, while we recognize the present necessity of augmenting the defensive strength of our Nation and of the free world, we also realize that the attainment of lasting peace, and the preservation of our economic stability, will eventually depend on the achievement of a system under which armaments can be rendered unnecessary: a system of universal guaranteed disarmament.

It is because of this realization, and because of our ardent desire to see lasting and just peace established in the world, we have made every effort to urge an end of this armament race, and have led other nations in bringing about the establishment of a machinery for peaceful adjudication and solution of international problems. Our desire to see universal guaranteed disarmament effected, with adequate provisions for the security of our Nation and of other countries, should be clear to the world.

I feel that it is vitally important that, in this crucial period of history, we confirm these our intentions. I am, therefore, happy to associate myself with my distinguished colleague, the gentleman from Arkansas, Mr. BROOKS HAYS, and join with other Members in cosponsoring the so-called Universal Guaranteed Disarmament Resolution. I fervently hope the Membership of this body will give this measure—this expression of our desires and intentions—their approbation.

Mr. SIKES. Mr. Speaker, this resolution presents us with a great opportunity and it is particularly important at this moment. The widespread unrest and the actual uprisings of the past few weeks behind the Iron Curtain vividly demonstrate the distaste those suppressed peoples have for their Soviet masters. The resolution offers a rallying point for these sorely oppressed peoples. The vigorous advocacy of a plan for worldwide disarmament by all the nations of the world could conceivably bring greater pressure to bear on the Soviets from many points and it would challenge them anew to show proof of sincerity in their alleged desire for peace.

Mr. O'HARA of Illinois. Mr. Speaker, I am supporting the resolution for disarmament because I believe it is a practical approach to peace. As long as there are arms and weapons of destruction readily available for use there will hang over mankind the constant menace of war. We can accomplish nothing certain to be enduring until we have assured continuing peace by making it impossible even for ourselves to make war.

At the present time the prospect does not appear immediately promising for an agreement among the strong nations of the world to lay aside their arms. But we may be sure that among all peoples everywhere there is a general desire for peace, and the day may be closer than we realize when the demand for universal disarmament, under the proper protective conditions, will take such hold that no government can ignore it. The passage of this resolution should furnish evidence to the world that the United States, even at a period when large expenditures are being made for national security, is looking forward to the era when all arms can be junked.

I am happy, Mr. Speaker, that the resolution is being advocated by the gentleman from Illinois [Mr. ARENDS] and the gentleman from Arkansas [Mr. HAYS] on a bipartisan plane.

Mr. ANGELL. Mr. Speaker, on June 15 last I introduced a similar resolution in the House—House Concurrent Resolution 111. In this resolution we called attention to the fact that the peoples of the earth are plunged into an accelerated armament race which imposes tremendous burdens on their economic well-being and threatens their very lives and basic freedoms, which can only be obviated by international agreements for universal disarmament buttressed with security against violation. The resolution calls upon the President to develop a plan for universal disarmament and the use of our resources and manpower now being used for arms for constructive ends at home and abroad, coupled with concerted action by the United Nations and its member states in a plan to secure vastly increased trade with other nations and in helping to overcome hunger, disease, illiteracy, and despair which have been among the prime causes of past wars, to the end that world peace through peaceful means may be achieved.

Our people are in dire need of a spiritual rebirth in order to preserve our precious liberties and freedoms and fashion our lives and our affairs in a

world at peace, free from war. We must revivify those qualities of diligence, courage, patriotism, and faith in divine guidance which enabled our forefathers to make this Nation great.

Recently an American soldier lad on the frontline in Korea wrote to his 3-year-old son, from which I quote:

Mike, we are moving up on the frontlines tonight sometime after 12 midnight, so a lot of things may happen to your daddy by the time you get this letter. Michael, you are a mighty young man yet to be a man of the house, but that is what it amounts to at the present.

I want you to always take care of Patricia and your mother because you are going to have to be the man of the house until daddy can get back home to you.

Mike, you have the sweetest mother and sister in the world * * *. If it is the Lord's will that I go to His home in heaven and not come back to you all, Mike, I want you to know that I love you more than life itself.

Mike, I hope and pray that you never have to go through anything like this over here. I hope by the time you are old enough that the world will be at peace.

At midnight Mike's father moved to the frontline, and he was called "to his home in heaven," leaving Mike forever. May God grant Mike's daddy's prayer:

Mike, I hope and pray that you never have to go through anything like this over here. I hope by the time you are old enough that the world will be at peace.

God grant that the time will come in our time when the leaders of the world, realizing the cost of war and its utter futility in the solution of international political and economic problems will be willing to sit around the conference table and decide the problems which now separate them, by peaceful negotiation instead of by bombs and guns. If the lives lost in war were devoted to useful occupations and the betterment of mankind, and the immense sums of money expended in the preparation for war, waging war, and the care of the injured and rehabilitation of the destruction wrought by war were devoted to useful purposes such as great public works throughout the nations, river and harbor improvements, hydroelectric production, hospitals, schools, roads, public and private housing, higher standards of living for the downtrodden, and old-age security, the millenium would indeed have been reached.

Somewhere down through the ages we have lost the sustaining faith of our Founding Fathers that the Almighty is on our side; that He "moves in a mysterious way His wonders to perform."

When our forefathers assembled to write the Constitution, it was proposed by Benjamin Franklin that each session be opened with prayer, for said he:

I have lived a long time, and the longer I live, the more convincing proof I see of this truth, that God governs the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?

Billy Graham, the dynamic evangelist, was right when he recently said in the Nation's Capital:

We are directing the Ship of State, unassisted by God, past the reefs and through the storms of time. We have dropped our pilot, the Lord Jesus Christ, and we are sailing blindly on without divine chart or compass, hoping somehow to find our desired haven.

This troubled world seeking ways to solve its problems should be turning increasingly to those inexhaustible spiritual resources of divine strength and moral courage as a practical way to rebuild better government, better society, and every human activity in a misguided and troubled world beset with wars, greed, and selfishness. How these fundamental spiritual values can be applied to solve the problems that face the world today is your problem and mine, and may indeed, determine the destiny of this great Republic.

As the late Senator Vandenberg said:

With unwavering fidelity we must carry on the great adventure of life, but if there be any failure, let not the blood be upon our hands, nor the tragedy upon our souls. The United States has no ulterior design against any of its neighbors anywhere on earth. We can speak with the extraordinary power inherent in this unselfishness. We need but one rule. What is right? Where is justice? There let America take her stand.

Let us follow in the footsteps of the immortal Lincoln who in the dark days of 1865 said:

With firmness in the right, as God gives us to see the right, let us strive to finish the work we are in—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Notwithstanding the great productive capacity of America and the high standards of living we enjoy, we have been dissipating and frittering away our resources in world wars, 3 such titanic struggles having taken place in 1 generation. Since the Korean war began we have spent over $100 billion in warfare which seemingly is leading nowhere. We have come to the full realization that the great economic, social, and political problems of the world cannot be solved by guns and bombs but by cooperation and spiritual values. Recently 34 United States Senators introduced in the Senate of the United States a resolution looking toward worldwide disarmament and mutual cooperation among the nations of the world.

Mr. Speaker, President Eisenhower, a devoted advocate of peace among the nations of the world, on April 16, 1953, made an appeal for world peace which has had a great impact on international relations. The President laid down five principles of international relationship:

First, no people on earth can be held, as a people, to be an enemy, for all humanity shares the common hunger for peace and fellowship and justice.

Second, no nation's security and well-being can be lastingly achieved in isolation, but only in effective cooperation with fellow nations.

Third, any nation's right to a form of government and an economic system of its own choosing is inalienable.

Fourth, any nation's attempt to dictate to other nations their form of government is indefensible.

Fifth, a nation's hope of lasting peace cannot be firmly based upon any race in armaments, but rather upon just relations and honest understanding with all other nations.

The President in his program for world cooperation to promote peace said:

We are prepared to reaffirm, with the most concrete evidence, our readiness to help build a world in which all peoples can be productive and prosperous.

This Government is ready to ask its people to join with all nations in devoting a substantial percentage of any savings achieved by real disarmament to a fund for world aid and reconstruction. The purposes of this great work would be: To help other peoples to develop the undeveloped areas of the world, to stimulate profitable and fair world trade, to assist all peoples to know the blessings of productive freedom.

The monuments of this new kind of war would be these: Roads and schools, hospitals and homes, food and health. We are ready, in short, to dedicate our strength to serving the needs, rather than the fears, of the world.

I know of nothing I can add to make plainer the sincere purpose of the United States.

If the objective of these resolutions and the peace program of the President were put into effect a new day of hope and courage would dawn for all the nations of the world, and the great progress we have made in the development of the God-given resources of our country could be used by our citizens for their own welfare, comfort, and enjoyment rather than having three-fourths of our production given to the prosecution of war and the destruction of human life.

It is timely and fitting that we all join together in this prayer to Almighty God for world peace and that this great Nation may return to the faith of our fathers:

Our Father in Heaven, we pray that you save us from ourselves. This beautiful world that You have made for us in which to live in peace, we have made into an armed camp. We live in mortal fear of ever-recurring, devastating wars. We are afraid of "the terror that flies by night, and the arrow that flies by day, the pestilence that walks in darkness, and the destruction that wastes at noonday."

We have turned from You to go our selfish way. We have broken Your commandments and denied Your truth. We have left Your altars to serve false gods of money and pleasure and power.

Forgive us, oh Lord, and help us. Now darkness gathers around us and we are confused in all our counsels. Losing faith in You, we lose faith in ourselves.

Inspire us with wisdom, all of us of every color, race, and creed, to use our wealth, our strength to help our brother, instead of destroying him.

Help us to do Your will as it is done in heaven, and to be worthy of Your promise of peace on earth.

Fill us with new faith, new strength, and new courage that we may win the battle for peace.

Be swift to save us, dear God, before utter darkness envelops us.

Mr. ROOSEVELT. Mr. Speaker, it is, indeed, a privilege for me to aline myself with the gentleman from Arkansas [Mr. HAYS] and the gentleman from Illinois [Mr. ARENDS] in the sponsorship of their concurrent resolution calling for a universal guaranteed disarmament and for use of some of the funds thus saved for

the purpose of raising living standards in some of the less developed countries of the world. This resolution is not too different from one sponsored by the gentleman from Arkansas [Mr. HAYS] in the 82d Congress, which I was also privileged to cosponsor.

It would seem to me, Mr. Speaker, that there not only can but must be general agreement on the spirit and intention of this resolution. Certainly it cannot be the subject of partisan dispute. It was first given impetus by two historic speeches by President Truman. Last April it was again enunciated and supported by President Eisenhower. From the time this idea was first suggested by President Truman, it has been warmly received and widely supported by the American people. The people of this great country desire a lasting peace in a secure world, free from hunger, pestilence, and fear more than anything else; this resolution will do much to express to the world what is in the hearts of the American people.

While we have had other resolutions presented to the Congress which have sought to express the same thought, this one in its drafting places first things first by acknowledging that before there can be universal guaranteed disarmament there must be careful drafting of a workable plan and it authorizes the President to set men to work to draft such a plan.

The drafting of a workable plan is a tough job, indeed. It will require the best brains in the country. But it is the most important task in the world and is worthy of our most strenuous efforts.

Mr. Speaker, if ever there was a time when we needed a forward-looking, positive approach to the problem of easing world tension, without appeasement of aggression, it is now. I, therefore, urge that hearings be held on this resolution at the earliest possible moment. None of us, I am sure, would want to be held responsible for any delay in laying the groundwork envisaged in this resolution for a just and lasting peace.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Conecticut [Mr. DODD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DODD. Mr. Speaker, it was the Connecticut Senator, the late Brien McMahon, who in the spring of 1950 stood on the floor of the Senate and first offered to the hungry, oppressed, and disillusioned peoples of the earth this plan for world disarmament and rehabilitation.

Three years have gone by since that memorable occasion. Brien McMahon is dead, but the world's greatest crusade for peace and freedom lives on. We may be no nearer to peace than the day he passed away on July 28, 1952, but it is for us to renew our efforts now; for we can never let up in this effort to obtain peace in the world.

The Soviet Union by its aggressions has compelled mankind to bear an increasingly crushing burden of armaments, but at this very moment there are deep rumblings of discontent from the chained masses behind the Iron Curtain. The hopes and aspirations of just and peaceful people everywhere will not long remain suppressed. It is therefore fitting that we should assure these people, as well as all mankind, of our earnest desire for a lasting peace.

It is with that intent in mind I now introduce this resolution today. And I would further remind the Members of this body that should the Soviet Union persist in ignoring our peaceful offers, history will record the fact that it was the Soviet Union and not the United States which ruthlessly condemned the world to self-destruction.

HOW FAR CAN CONGRESS SLIP?

Mr. HOFFMAN of Michigan. Mr. Speaker, an article by our former colleague, Christian A. Herter, now Governor of Massachusetts, in the Saturday Evening Post of July 11, 1953, seeks to warn us of the danger.

That article is as follows:

CONGRESS MUST RECOVER ITS CONTROL OVER THE NATION'S SPENDING POWER

(By Christian A. Herter, Governor of Massachusetts)

In all the wishful talking and thinking about the necessity of a balanced Federal budget one basic fact has been largely overlooked.

During the past two decades, under the impact of one crisis after another, Congress has lost its former control over the finances of the Nation, and budget balance is no longer to be achieved by a little cutting here and a little denial there. Vast domestic and foreign programs created under real or fancied crisis conditions have set in motion forces which have shifted major policy—and thus spending—decisions from Congress to the executive branch.

Now departments and agencies possess and exercise power once thought to be the exclusive domain of the people's Representatives.

To this extent, true representative Government in the fiscal field finds itself in a fight for survival—and sorely lacking weapons for the battle.

Looking back on 10 years in the House of Representatives, I am convinced that budget balance cannot be achieved unless Congress couples with whatever determination it may have a new arsenal of devices to regain the control it has lost. Congress can no longer rely on mere budget examination and revision followed by piecemeal voting on a series of appropriations which are never brought into focus with the total problem.

If Congress wants to cut expenditures and reduce taxes, it must make a beginning by placing a reasonable limitation upon its own actions. It must announce to the country, and especially to the executive branch of Government, that except under conditions of war, business depression or other national emergency, it will not permit deficit financing and will limit appropriations to revenues. Such a declaration, especially if enacted into law as is proposed by Congressman COUDERT, of New York, in H. R. 1, would be a great step toward regaining control because it would serve effective notice on the spenders that the lush days of appropriation handouts are over.

The next step ought to be for the appropriate committees of Congress and the President to take a long hard look at the Bureau of the Budget. There is ample reason to wonder whether this agency, which is supposed to be the principal tool of the White House in controlling the cost of the vast and sprawling Federal structure, may not now regard itself as powerful enough to make policy rather than to execute it upon instructions from a higher authority.

The third step ought to be to find a satisfactory means of laying the whole budget and revenue picture before Congress at the same time. Whether this should be the responsibility of the White House, or of a special joint committee representing both legislative branches, or by means of a consolidated appropriation bill as proposed by Senator BYRD, is less important than that the best minds in Congress and the administration be immediately applied to the problem.

Most of the States, including Massachusetts, are compelled by constitutional provisions of rigid statutes to balance their budgets—and they do. They have no recourse to deficit spending. If such a course has been found wise at the State level, can it be argued that, except for war, depression, or other emergency, it would not operate equally well at the Federal level?

Certain it is that as long as deficit spending within the cover of an easily amended debt limit is allowed to continue, and Congress does not impose specific limitations on itself, "the power of the purse," inherently the prerogative of the Congress, will slip irrevocably into the hands of the Executive. No matter how well intentioned the latter may be, such a course would damage the fundamental structure of our Government and leave the taxpayers susceptible to all the oldtime abuses of tyranny.

Others have publicly called attention to this same situation. An article in Newsweek magazine of May 4, 1953, reads as follows:

TO RESTORE BUDGET CONTROL

(By Henry Hazlit)

Congress has allowed its constitutional power of the purse to slip through its fingers. As Roswell Magill, former Under Secretary of the Treasury, recently testified: "Congress has lost annual control of expenditures." He pointed out that $53 billion of the $78,600,000,000 expenditures proposed for the fiscal year 1954 is "not subject to control or review by Congress this year. "Even if Congress failed to appropriate a dime during this session, the agencies and departments of the Federal Government would have available for expenditures on June 30, 1953, more than $100 billion of unexpended balances from previous authorizations."

As a first step to cure this situation, and to stop the deficits that the Federal Government has incurred in 20 out of the last 23 years, Representative COUDERT, of New York, has introduced a bill (H. R. 2) to provide that Federal expenditures shall not exceed revenues except in time of war or grave national emergency.

The bill provides, in other words, that there shall be no more deficit financing and no more resort to printing-press money, except upon at least a two-thirds vote of each House and a resolution declaring a national emergency. Such a measure would put a statutory limit on spending. It would tie spending directly to tax revenues. It would enable Congress to reassert its power of the purse and regain annual fiscal control.

The Coudert bill has the support of several governors and of the Conference of State Taxpayer Executives representing 38 State taxpayer associations. One of the witnesses in its favor was Governor Herter of Massachusetts. "Ten years spent here in Congress," he said, "taught me one lesson so well, and gave me one warning so imperatively, that I shall not forget either. The lesson was that unless Congress maintains rigid control over the spending agencies of the Federal Government we may on day find

ourselves facing a national crisis of the first magnitude; and the warning was that Congress has lost such control. I believe that nothing more important can be done at this session than to regain it and thus establish national solvency."

Governor Herter also reminded Congress that the procedure prescribed by the Coudert bill is essentially no different from the one which already exists in many States, including his own. "As governor, it is my constitutional duty to submit an annual budget * * * and at the same time to submit a schedule of revenues to balance what I propose to spend. * * * The legislature may thereafter increase appropriations beyond my recommendations, but it may not be adjourned until it has provided the revenues to pay for what it appropriates."

I am sorry to report that the new Secretary of the Treasury and the new Director of the Budget, while endorsing the aims of the Coudert bill, opposed the procedure it prescribed as too inflexible. This objection is without substance. The most flexible spending control that Congress can exercise (without actually abdicating its constitutional responsibilities) is to set an over-all ceiling on expenditures and allow the executive branch a very wide latitude in proposing whatever budgetary allocation of detailed expenditures it deems wise within that over-all total. This is the way every individual business firm and every individual household is compelled to operate. Its total expenditures must be kept within its total income. If this is a straitjacket, it is a desperately needed one.

Nothing, certainly, could be more unrealistic than the procedure so often recommended—that Congress should vigorously pare down spending, bill by bill and item by item. A Federal budget of $78 billion is made up not merely of thousands, but of hundreds of thousands of individual items. No assembly of 531 men can possibly have the time and the knowledge to consider the merits of each item. But it can and does know that a chronically unbalanced budget and an intolerable burden of taxation can lead us to disaster.

Many of us—and I am certain Governor Herter—have recognized the danger of congressional inaction in resisting Executive encroachments upon our legislative power long ago.

Seldom a week, when Congress is in session, goes by that Congress does not permit the executive departments to encroach upon its constitutional power.

Before it is too late, it might be well, if Congress wants us to continue to represent the people, to mend our ways, to exercise a little more vigilance and courage.

From East to West the people are aware of what we are doing.

[From the Los Angeles Times of June 30, 1953]

ONLY CONGRESS CAN SAVE US

On this page last Saturday Raymond Moley was praising Congress for economizing and citing several examples of the cuts made by Appropriations Committees in major bills.

But in yesterday's Times Senator TAFT was reported as saying that the United States Government will wind up the fiscal year tonight with a $9 billion deficit and that it will be an additional $7 billion in the red at the end of the next fiscal year.

So we can have a Congress apparently zealous for economy and still the expected deficit will not come down much. It's a dismal condition, and under present congressional procedures it is incurable.

MACHINERY INADEQUATE

We don't have any effective machinery for budget balancing, and the brave attempts of Congress to save a little here and there can't do much for us. Gov. Christian A. Herter, of Massachusetts, a former Member of Congress, wrote in this week's Freeman:

"The sobering fact is that the fiscal policies of the United States in the last 20 years have been such as to create a situation under which Congress not only has lost control of expenditures but lacks the necessary tools with which to regain it. Today not even meat-ax slashing of current budget requests would radically affect the over-all dimensions of Federal spending."

The trouble lies in Congress, even when Congress is zealous for economy. The congressional setup is confused and the two Houses are at cross-purposes very often. It is a perfect setup for spenders, for the bureaucrats who know how to compound the confusion and get their money.

COUDERT'S PROPOSAL

Representative FREDERIC R. COUDERT, JR., Republican, of New York, has a simple bill (H. R. 2) which would strike at the root of the trouble. He proposes that Congress restrict itself (except in real emergencies) to appropriating no more money in any year than the revenue estimates for that year. The bill would authorize the President to hold expenditures within revenue.

If there had been such a law when the budget for the current fiscal year was put together, the deficit reported by Senator TAFT would be at least $3 billion less. It is pretty hard to estimate revenue to the penny, but a conservative administration would come closer in its guess than estimators of the recent past have come.

Unfortunately Congress has shown no great enthusiasm for the Coudert bill or for other proposals for enforcing national solvency. The reason is that these proposals explicity or implicitly require change or abolishment of many time-hallowed procedures, prerogatives, and privileges in both Houses of Congress. For example, there is a complete separation of the House and the Senate in every stage of the legislative process.

"Long ago," wrote Governor Herter, "the States learned that joint committees of house and senate members (of the legislatures) sitting together to study important legislative proposals were sound and profitable. Not so Congress. Thus far it has rebelled against even the employment of a common staff for budget purposes. * * * The sad result is that not even the most fundamentally important legislation is likely to be considered by the House and Senate on the same terms within the same informational framework. This means that legislation is often written in conference committees on a trading basis."

REFORM ESSENTIAL

Someday Congress will have to reform and we can only pray that the reform will be forced before bankruptcy overwhelms us. The high wave of bankruptcy is already making up in the confused sea. We have built up an immense debt, not only to wage wars but to pay ordinary running expenses. When parts of the debt become due the Government merely issues more bonds—and it issues more bonds with every deficit. So the debt rises perceptibly before our eyes. And inflation rises with it, for every time the Government sells bonds to the banks, the result is that the banks in effect issue money—printing-press money.

Nobody can do anything about abating the high wave except Congress. Congress levies the taxes, Congress votes the appropriations, Congress suffers the Treasury to borrow money when the appropriations exceed the revenues.

Unless Congress revises its business methods we can hope for nothing except the relatively small economies for which Mr. Moley has praised it. Until Congress learns a reliable system of accounting, common to both Houses and all their committees, it will be a pushover for all the bureaucratic spenders, military and civilian. We say "until"; let's hope "until" will be in time.

PERSONAL PRIVILEGE

Mr. CONDON. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. CONDON. In a newspaper story appearing on Monday, July 6, 1953, in the New York Herald Tribune, there was a headline that stated "Congressman Barred at Atom Test as Risk."

The first paragraph of that story is:

The astonishing story of how a Democratic Member of Congress was barred—as a security risk—from watching one of the atomic weapons tests near Las Vegas in May was learned today by this reporter.

The second paragraph of that story identifies me as the Congressman in question.

On Tuesday, July 7, 1953, a story appeared in that same paper with the headline "Navy Probe of CONDON as Safety Risk Revealed."

Then the story goes on, in part, to say:

The Navy at one point thought of canceling a ship-launching ceremony at which Representative CONDON was the speaker because it had received the same information the AEC had. The Navy changed its mind.

The launching of the minesweeper U. S. S. *Bluebird* went off on schedule on May 11—6 days after Representative CONDON had been told he couldn't see the atom test—at Mare Island Navy Yard, Vallejo, Calif., and Representative CONDON made the dedication speech.

Subsequently, according to a well-informed source, the Navy notified the commandants of all naval districts that Representative CONDON was, in effect, to be considered persona non grata.

Mr. Speaker, I say that these two articles reflect upon me as a Congressman in my representative capacity, and I therefore would like to state a point of personal privilege.

The SPEAKER. The Chair believes the gentleman has presented a question of personal privilege, and the Chair recognizes him for 1 hour.

Mr. CONDON. Mr. Speaker, I rise this afternoon to a point of personal privilege. I take this unusual course for compelling reasons. It is of the utmost importance to me as a citizen and as a Member of Congress that any inference that I have been other than absolutely faithful to my country should be completely refuted. However, the seriousness of the matter to me personally is not the vital issue. Of greater import is the effect of the incident in which I was involved upon our American concept of justice and our tradition of individual liberty.

This matter is much too important to be treated with anger or bitterness. I will make a considered effort today to restrain the indignation and resentment that this has caused me. I will do my best to discuss the entire matter soberly and fairly.

As you all know, the Atomic Energy Commission invited every Member of this House to witness one of a series of atomic explosions in Nevada. In common with all of you, I received such an invitation. I had not intended to make the journey. I had legislative duties

here in the Congress. Moreover, as a combat infantryman in World War II, I had had sufficient firsthand experience with explosions not to be particularly attracted even by the detonation of the most deadly implement of warfare yet devised by man.

At about that time, however, I received an invitation from the commander of the Mare Island Naval Shipyard, which is located in my district, to make the dedication speech at the launching of a minesweeper, the U. S. S. *Bluebird*, which had been constructed in that yard. I considered this occasion to be an important one. The *Bluebird* was the first of a new series of minesweepers designed to help defend our country against any aggression. Accordingly I accepted this invitation.

My dedication speech was to be made on May 11. Since I was planning to go to the west coast for the launching, I agreed to accept the invitation to view the atomic explosion then scheduled for May 7. I considered it a stopover on my journey to California.

On May 5, shortly after our congressional party arrived at the airport adjacent to the atomic proving grounds, I was informed by two employees of the Atomic Energy Commission that they had received instructions that I was not to be allowed to witness the blast. This action came as a complete surprise. Shocked and outraged, I demanded to know why. The only response that I could obtain was that they were acting under the instructions of Mr. Gordon Dean, then the Chairman of the Atomic Energy Commission. I was told that only Mr. Dean could give me the reasons for the action taken.

Since I was convinced that there was no possibility of resolving the issue in Las Vegas, the next day I left for home.

I made my dedication speech at the Mare Island Shipyard on May 11. As soon as I returned to Washington I met with Mr. Dean to discuss the situation. At our first meeting Mr. Dean had little information to give me. In fact, it appeared that he had not personally issued the order. This had been done by a subordinate in his name. Mr. Dean promised to furnish me with further information, which he subsequently did. I then saw Mr. Dean again to discuss in detail the basis for the action taken by the Commission. After full discussion with him, I left, satisfied that the episode was closed.

Ten days ago, while in Kansas City at hearings of a subcommittee of the Government Operations Committee I was contacted by a Washington newspaperman over the telephone. He informed me that he had been given information that I had been barred from witnessing the atomic explosion. A week ago Sunday, I flew back to Washington at the conclusion of my subcommittee hearings and met with this reporter. The following day, he published a story about this episode, including a question and answer interview with me.

The same reporter wrote a follow-up story last Tuesday. In this story, he wrote to the effect that, acting upon the same information obtained by the Atomic Energy Commission, the Department of the Navy had considered canceling my launching speech at Mare Island and had issued a directive to Navy commandants that I was to be considered persona non grata.

This story is absolutely false.

I have a letter from the Secretary of the Navy, in response to a written demand by me, specifically and categorically stating that to the best of his knowledge neither he nor any official authorized to make such a decision had ever considered canceling my dedication speech. He further replied that no directive implying that I was persona non grata has ever been sent to any naval command.

Now let us look at the type of information upon which the Atomic Energy Commission acted. Basically, the information offered by the Commission consisted of anonymous allegations that in the past I had associations with individuals or organizations now considered hostile to our Government.

For example, it was alleged that I had been a member of a law firm with two other men who were charged with being Communist sympathizers. In 1947 and 1948 I was associated with a law firm in Oakland, Calif. At that time, this firm represented all the CIO Unions in the East Bay of the San Francisco area, which was the main reason I joined it. I was a lawyer in the labor relations field and I felt then, and believe now, that trade unions are entitled to the effective assistance of counsel. The CIO in California at that time contained some left-wing unions, but was predominately anti-Communist. The militantly non-Communist unions expelled the left-wing locals from the CIO. I left the law firm and opened my own office retaining as clients the anti-Communist unions. I have subsequently represented a number of A. F. of L. unions.

It was also charged that on two occasions I had made speeches before certain suspect groups. Both of these speeches were made in the course of political campaigns when I was literally making dozens of speeches a week. While I had no desire to speak before subversive organizations, I was obviously not in a position to investigate every group which I addressed at a public meeting.

Much of the rest of the information upon which the Commission acted concerned itself with matters that no fair-minded person could consider other than trivial. An example was the statement that I had received mail, without solicitation on my part, from an organization considered subversive. Certainly I cannot be expected to control any material that is delivered to me through the post office.

While I was surprised at the manner in which this sort of information was used against me, I was not unfamiliar with it. For these were allegations that had been thrown at me during every political campaign in which I have been a candidate for public office.

After my discharge from the Army in 1946, I was elected to the Democratic county central committee. In 1948 I was elected to represent my county in the lower house of the State legislature, an office to which I was reelected in 1950. Last year I was elected to this body.

I repeat, this sort of allegation was a matter of public knowledge in my district. In campaigns of 1948, 1950, and 1952 these alleged associations were broadcast to the people of my area by my political opponents by every means that they could command. They used newspaper advertisements, radio, and television shows, speeches to the voters, and the direct-mail approach. I have been informed that during my campaign for Congress, supporters of my opponent had two direct mailings to every registered voter in the district setting forth these innuendoes, these distortions, these falsehoods. Of course, I was not alone, since similar charges of alleged Red sympathies were made against several of the Democratic candidates for public office in the State of California during the last campaign. These tactics are almost standard in the campaigns in my State.

Despite having been exposed to these allegations for three successive campaigns, the majority of the people of my district decided that I was worthy to represent them in Congress.

I have made my position clear to the voters of my district and at this time I would like to again state it to the Members of this House. I recognize fully the existence of a real need for measures to protect our national security. We face a powerful and determined enemy outside our borders, ready to exploit any weakness. We have discovered spies and traitors in our midst in the past. Undoubtedly there are some still among us. The indiscriminate accusation of innocent people, however, only makes it more difficult to discover the guilty.

Congress has charged the Federal Bureau of Investigation with the gathering of information against those individuals who betray to our enemies intelligence which might help to destroy us. Certainly no responsible person would challenge the necessity of this type of protection. I do not. I think the Federal Bureau of Investigation is discharging its duty with extreme competence.

Two factors, however, must be recognized. First, the FBI has specifically rejected the right to evaluate the material which their files contain. Theirs is solely an information collecting job.

Therefore, an FBI file may contain items ranging from gossip and hearsay several times removed to extremely objective or substantial reports. Their sources may be irresponsible crackpots, persons motivated by spite or political considerations, or citizens of substance in the community. It all goes in the file.

Secondly, as I understand it, the FBI supplies this undigested information to any agency of the Government that may be interested in a particular individual. The agency then makes the evaluation. The result sometimes can be unfortunate. The individual involved usually has no knowledge of the source of the information thus obtained. He has no right to confront his accuser. Further, he often does not even know the nature of the charges against him. There is almost no right of appeal.

Most of us will agree that a line must be drawn somewhere to allow the greatest possible freedom of expression while still protecting our country against acts of treachery and espionage.

There has been developing in America an atmosphere of suspicion and distrust that is alien to our heritage of freedom. The basic concept that a man is innocent until proven guilty seems to have been forgotten by some of the very persons who are loudest in professing their endorsement of our American ideals.

We have seen recent examples in the confusing and inconsistent directives by the Department of State as to what books should be carried on the shelves of our libraries overseas. We have seen prominent members of the clergy protesting the indiscriminate labeling of men of the cloth as Communist supporters because of alleged improper associations in the past. We have seen men and women of worldwide reputation refusing or being denied positions of responsibility in the Government or with the United Nations.

This fog of distrust and suspicion can choke the freedom of thought and expression on which this Nation was founded. In order to protect ourselves from a totalitarian threat, we cannot afford to adopt the tactics of the very dictators we are fighting. We must guard against the Communist menace, but we cannot allow our understandable fear of aggression to blind us to the ever-present necessity of protecting the freedom of speech and thought that is the heart of our democratic way of life.

I feel that the Atomic Energy Commission did not fairly evaluate the information concerning me. Furthermore, I deeply resent the manner in which the AEC handled this whole affair. I had not sought this invitation to witness the Nevada test. It had been extended, voluntarily, by the AEC. I had been a Member of Congress for over 5 months before I boarded that airplane. Certainly, there was adequate time for the Commission to evaluate reports and any rumors that may have reached them about my political convictions.

It seems strange that the first information I received concerning the doubts of this Commission was given to me in Las Vegas after I had left Washington. It seems still stranger that the order was given to me by two employees of the Commission, who either did not know the facts upon which the Commission's decision was made or were not authorized to discuss them with me.

I wish to make clear that I do not contend that a Member of Congress should necessarily be immune from security regulations applicable to other individuals. I do believe, however, that there is a real question involving the relationship between the executive and the legislative branches of our Government. Obviously, the Congress cannot allow the Executive branch to foreclose it from performing its constitutional functions. A wholesale bar of Members of Congress could easily lead to absolute power by the Executive over the Congress.

Now, since it is my reputation, my integrity, and my character that have thus been brought before the public I believe I should be entitled to some personal reference. I am a new Member of this great legislative body. My election here was the greatest honor, the greatest thrill, the greatest achievement that I ever dreamed to be possible.

On January 3, 1953, I stood upon the floor of this House and repeated the following solemn oath:

I, ROBERT CONDON, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

What do "support" and "defend" mean? How can one support if one secretly tries to tear asunder? I am a loyal American, and I meant every word of this oath. I feel my responsibility to the people of this Nation and the people of my district who elected me as fervently as any Member of this House. As a member of the Legislature of the State of California for 4 years I took similar oaths. I have taken several specific loyalty oaths and I have meant every word of each of those oaths.

I have had a public record extending over the past 5 years. That record and public positions that I have taken emphatically demonstrate that I am not a Communist or a Communist sympathizer. I have said before and I say again today, I am not and have never been a Communist or a Communist sympathizer.

I am as aware as any Member of this body of the crisis now confronting us. I recognize that our country with its allies are now standing poised against the Communist bloc and that the fate of the world for generations to come may well depend upon the actions that might occur this year or the next.

In World War II I carried a rifle to support our country and its people against the foe. I take no particular credit, since there were 11 million of us under arms at that time. I do say, however, that I performed the job assigned to me in that war to the best of my ability and perhaps did even more than was expected of me, inasmuch as the Army saw fit to award me the Silver Star for gallantry in action, above and beyond the call of duty. I stand prepared to again shoulder arms in defense of this country whenever I am needed.

I have vigorously and consistently opposed the imperialism of the communistic nations. I have been an emphatic supporter of the action by the United Nations and this country in the Korean outbreak. I believe strongly, and my votes are so recorded, that this Nation must place security above economy. I have voted against every cut in appropriations for the Department of Defense. I believe that a strong Air Force is essential in this atomic age to protect our country, and I have voted to keep it strong.

My public record, my publicly stated positions, my demeanor and attitude as a Member of this body are the things upon which I must rely. I think this record is stout enough to withstand the hearsay onslaughts that have been made against it.

It has been a deep personal shock to have such a reflection, however unwarranted, cast upon my integrity. I can find no comfort in the knowledge that I am not the only loyal American who has been unjustly slurred. It only disturbs me more that such occurrences have become so prevalent.

I realize that these allegations will again be used by my political opponents in 1954. I have faith that the people of my district, who have heard this story in three successive election campaigns and who have three times chosen me to be their legislative representative, will again be the final arbiter. I am quite willing to allow my case to rest in their hands.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Ast, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 97. Joint resolution to amend the International Wheat Agreement Act of 1949.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 5451. An act to amend the wheat marketing quota provisions of the Agriculture Adjustment Act of 1938, as amended, and for other purposes; and

H. R. 5710. An act to amend further the Mutual Security Act of 1951, as amended, and for other purposes.

SUPPLEMENTAL APPROPRIATION BILL, 1954

Mr. ALLEN of Illinois. Mr. Speaker, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6200) making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes, and all points of order against said bill or any provisions contained in said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ALLEN of Illinois. Mr. Speaker, I rise to urge the adoption by this body of House Resolution 330, making in order the consideration of H. R. 6200, making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes.

House Resolution 330 provides for an open rule, waiving points of order and allows 3 hours of general debate on the bill itself.

Mr. Speaker, this bill, like most of the other appropriation bills we have considered this year, is considerably below the budget estimates originally submitted. Under the able direction of the gentleman from New York, our distinguished chairman of the Committee on Appropriations, great emphasis has been placed on making every dollar spent go just as far as possible, and emphasis has also been placed on cutting down expenses whenever and wherever it has been practicable.

The Committee on Appropriations considered the budget estimate of $1,069,996,084 and came out with the figure of $168,155,584, which represents a saving to the American taxpayer of $901,840,500. I think this truly remarkable reduction is indicative of the determination of the Republican leadership here in Congress to cut down on the swollen expenditures of previous years. In terms of percent this represents a cut of over 84 percent.

Mr. Speaker, I am happy to urge the adoption of this rule. I know of no one who opposes it. This bill has had the benefit of an intensive study on the part of the Committee on Appropriations, and I hope that the House membership will see fit to adopt House Resolution 330, making in order the consideration of the supplemental appropriation bill for 1954.

Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I have no requests for time on this side.

Mr. ALLEN of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. TABER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6200) making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6200, with Mr. BYRNES of Wisconsin in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. TABER. Mr. Chairman, I yield myself 22 minutes.

Mr. Chairman, this bill involves total requests for appropriations of $1,069,996,084 and a recommendation on the part of the Committee on Appropriations of $168,155,584, a reduction of $901,840,500.

It involves estimates for the District of Columbia; the legislative branch; the Departments of State, Justice, and Commerce; the Departments of Treasury and Post Office; the Department of Labor; the Department of the Interior; the independent offices; military construction; the Department of Defense; the occupation programs; and some general provisions which are of considerable importance.

I shall leave it to the chairmen of the various subcommittees to explain the items handled by their respective committees.

I shall leave the requests under chapter III, relating to State, Justice, and Commerce Departments to the subcommittee handling those items. The Treasury item is not very large and unless there are questions asked, we will not try to comment too much on that.

The Department of Labor has just one item, and that has been denied by the committee because of the contradictory stories which were told by the witnesses who testified.

The Department of the Interior has a little item for the care of the insane in Alaska. In the independent offices chapter there are several comparatively small items totaling $2,920,000.

There is an item for military construction which has been denied, but authority is given to the Department to provide for urgently needed projects, and the gentleman from Wisconsin [Mr. DAVIS], will explain that very thoroughly when the opportunity comes.

I will spend a few moments on the occupation program and tell you what has been done there. We have allowed $3,100,000 for the occupational activities of the Army civil functions, for government and relief in occupied territories, to take care of the problems that we have to face in the Ryukyus and Okinawa. I believe that is sufficient to meet their requirements.

In the Department of State, for government in occupied areas, we have allowed $40,438,000 to take care of the activities in Germany. I believe that is sufficient to permit them to operate effectively.

For the emergency agencies we have made some cuts. For the Defense Production activities we have allowed $8,740,000, the particular items being the Office of Defense Mobilization, where we have allowed $2,500,000; the Office of Defense Transportation, $350,000; Economic Stabilization Agency, $1,190,000; the General Services Administration for rental items, $200,000; the Department of Commerce for export control activities, $4 million, and the Department of the Interior for the Defense Petroleum Administration, $500,000.

We believe that some of these organizations could very well take care of some of these activities with what they already have and ease the burden.

On the Federal civil-defense activities we have allowed a total of $37,770,000. For operations of the agency we have allowed $7,900,000; for Federal contributions and things of the nature for supplying medicines, and so forth, we have allowed $9,870,000; and for emergency supplies we have included $20 million.

We have provided here for their communications, including a great deal in connection with attack warning, and that sort of thing, $695,000; for supply service, $1,100,000; for training, $800,000; for technical guidance, $1,457,000; and for their health and welfare activities, $280,000.

For public information we have allowed $700,000; for research, $350,000; for the attack warning activity, $977,000; and for executive direction $141,000. We have allowed $1,400,000 for general administration.

The figures that we have allowed in that connection are just about the same as they have had for the past year.

For Federal contributions the committee has allowed $9,870,000 of which $3,300,000 is to cover their attack warning operation, and $2,500,000 for communications.

Three million dollars was allowed for medical supplies and equipment, and $1 million for training. This is practically the same as they have had this past year.

The committee has also allowed $20 million for emergency supplies and equipment. The purpose of this is to provide for the purchase of medical and engineering supplies and equipment for the Federal Government. The estimates contain $82 million for the purchase of medical supplies and equipment and for such things as centrifugal pipe, which would be used for emergency work in connection with repairs of water mains.

As of May 30, 1953, orders had been placed for medical supplies and equipment totaling $79,350,000; and of this amount only $41,977,144, or about half, had been delivered, and this over 2 years' operations.

This merely points out the fact that the Federal Civil Defense Administration has been unable to stockpile medical supplies in keeping with the funds appropriated for this purpose. Progress has been made in that direction, but much remains to be done; and, accordingly, the committee has allocated $20 million for that purpose. These funds when coupled with the undelivered items will provide a realistic medical stockpiling program for 1954 and in excess of the amount the Federal Civil Defense Administration has procured during the fiscal years 1953 and 1952. I believe we have allowed enough to take care of the outfit satisfactorily.

We have some general provisions in here which are a little different than we have had before. Among the most important ones are sections 1214 through 1221 of the bill. These provide for the payment of moneys in satisfaction of judgments against the Government automatically without having to come to Congress, based on a review by the Comptroller General. If there is anything that would not bear the light of day, they can be referred to the Congress for action by the Comptroller General. This will save money, millions of dollars in interest on the judgments which has been paid yearly, and will avoid the terrific annoyance resulting from the fact that judgments obtained are not promptly paid. Under present procedure this is particularly bad during a recess of Congress, or while we are waiting for the opportunity to put them in a deficiency bill.

I think that is all I care to say at this time unless there are questions.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. HOLMES. I was very much interested in the gentleman's reference

just made for moneys available for judgments. Will the gentleman give me the same again, please?

Mr. TABER. Would I explain it again?

Mr. HOLMES. Yes.

Mr. TABER. Under sections 1212 to 1221 of the bill we have provided, and this was done at the insistence of the Comptroller General who submitted the matter to the Speaker and the Speaker referred it to our committee that whenever a judgment is obtained it goes to the Comptroller General for review. Unless the Comptroller General finds something in it that is questionable or wrong, it will be automatically and promptly paid instead of having to wait for a deficiency or for the convening of Congress. If he finds anything the matter with it, he refers it immediately to the Congress so that we can hold a hearing upon it and make whatever determination we desire. In that event we would have to appropriate the funds before it could be paid.

Mr. HOLMES. This is being done to facilitate payment?

Mr. TABER. This is being done so that people will not have to wait and so that the Treasury will avoid the payment of interest during the periods of delay due to recesses of Congress or to the time that elapses between rendering of judgments and the consideration of a deficiency bill or some other bill in which these funds could be carried.

Mr. HOLMES. I think this is a good move, and I congratulate the gentleman.

Mr. TABER. It is a forward-looking move and it will save some money. It does not create any grief.

Mr. DEVEREUX. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Maryland.

Mr. DEVEREUX. Is it not true in the case of emergency supplies and equipment referred to at page 52 of the report that all of that money has been committed?

Mr. TABER. Yes, that is true, but they have been unable to get delivery because of the enormous volume. We feel that this is all that they can effectively use. We have a very serious problem there of the rotation of these things and keeping them in shape where they will not deteriorate completely. I do not believe that the management of the setup has yet grasped the importance of that and made the proper arrangements to protect the stockpiles that have been provided.

Mr. DEVEREUX. In connection with stockpiling these various supplies, is it not true that a limitation was placed upon the Civil Defense in receiving those supplies because they did not have adequate storage facilities; however, since that time that problem is being overcome, and they would be in position to better receive and stockpile these materials?

Mr. TABER. I hope they will, but we were not satisfied with the situation that they presented.

Mr. DEVEREUX. I understand that if they can present a good plan for stockpiling these various items that are necessary the committee will go along with the granting of more money to continue with this program?

Mr. TABER. I would expect as we go along that we would have to have more money from year to year. Whenever the situation is such that they can make out a good case I would be willing to go along with granting more funds for that purpose.

Mr. DEVEREUX. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. GROSS. Are there any funds in this bill for the airfield at Grandview, Mo.?

Mr. TABER. There are not. That is not an item that is being considered seriously at the present time.

Mr. GROSS. I thank the gentleman. Is the sum of $100 million appropriated in this bill to carry out the act recently passed to indemnify exporters against property that may be expropriated?

Mr. TABER. I have not heard of that. No budget has come to our committee for any such thing, and we have not considered anything of that character. There is nothing in this bill of that kind.

Mr. GROSS. I thank the gentleman.

Mr. KERSTEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. KERSTEN of Wisconsin. I would like to ask the gentleman if I am correct in my understanding as to that portion pertaining to the International Information program, that there has been allotted in the bill a sum of $60 million, which contrasts with the amount requested by the President for the program of $87 million; is that correct?

Mr. TABER. That is correct. But, of course, they have not gone ahead and cleaned their picture up. They still have an enormous number of employees. They have gotten rid of about 75 out of 6,500, when they should have gotten rid of about 5,000 of the 6,500 and should have begun to get people in who could do the work instead of it being a drag on the country. That is the objective of our committee, to see that thing cleaned up.

Mr. KERSTEN of Wisconsin. If my understanding is correct then, it is because of the unsatisfactory condition of the operation in the changeover from the old administration to the present time that the committee felt it should cut at this time; is that correct?

Mr. TABER. Well, the outfit has not, to my recollection, had anyone in charge of it that seemed to grasp the picture, and the committee was very much in hopes that that might happen. I think most of the members of the committee—I hesitate to speak for the chairman of the subcommittee and the other members of it who were present—feel that we must have a sense of responsibility and competency in dealing with that situation, and a willingness to find out what the picture is, and that it must come quickly. I felt, myself, that this reduction was very modest.

Mr. KERSTEN of Wisconsin. In other words, if my understanding is correct, it is not that the committee feels that America should have a very small voice in world affairs, but because of the previous and to some extent the present condition of the operation.

Mr. TABER. We are not even getting a small voice. We are just getting ridiculous stuff, such as that which appeared in the hearings, and they are wasting their money on things that makes you sick to your stomach.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to inquire of the gentleman, since H. R. 6200 contains a total of 61 provisos and since the rule which makes this legislation possible waives all points of order, if he does not think this is an unusual way to legislate?

Mr. TABER. It is necessary to throw the provisos into one bill at the end of the session to cover all the items that have been passed. In order to handle that situation properly so that there will be no delay the routine general provisions are carried. Where we have to include something like this provision on judgments, which I described here, and which I am sure would appeal to the gentleman, we have to have a rule or we cannot have it considered.

Mr. MACK of Washington. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Washington.

Mr. MACK of Washington. Can the gentleman tell me if there is anything in this bill for the construction of the so-called Baker West and Baker East transmitter stations, construction of which would involve an expenditure of $14 million?

Mr. TABER. There is not.

Mr. MACK of Washington. There was a considerable amount of money wasted on those projects. The Voice of America acquired in the Port Angeles area 1,200 acres of the best agricultural land in the State of Washington at a cost of $400,000. Does not the gentleman feel that this land, now that the Voice has abandoned the idea of Baker West, should be sold by the Government and that money spent for this property recaptured?

Mr. TABER. I do.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. ROONEY. I believe the testimony will show that there was no such intention on the part of the present administration to give up with regard to the land, the Baker West, but that that is being temporarily used by another Government agency.

Mr. MACK of Washington. Five tracts of the land in Baker West are being leased for haying purposes. The legal transactions in connection with these leases probably are costing the Federal Government more money than it is receiving from the leases. That land is the best agricultural land in the State.

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. CLEVENGER].

Mr. CLEVENGER. Mr. Chairman, the State, Justice, and Commerce Subcommittee considered budget estimates totaling $147,854,042. The total recommended in the bill for these 3 Departments is $72,018,242 which represents a reduction of $75,835,800 below the original estimates. For the Department of State the largest item is for the International Information and Educational Activities which was not contained in the regular State Department appropriation bill. The bill includes $60 million to carry on the activities of this program.

The amount allowed is $54,515,800 below the original budget estimate and $27,900,000 below the amount of the revised estimate. The original budget estimate contained $8,859,791 to purchase foreign currencies for the Fulbright program pursuant to section 1415 of Public Law 587, 82d Congress, whereas the revised estimate recommended language exempting the Fulbright program from that provision and included no funds therefore. The committee has eliminated this proposed exemption and expects those activities under the Fulbright program deemed necessary by the Department to be financed from the total amount recommended herein. Certain activities transferred from the Mutual Security Administration by the Bureau of the Budget are also to be provided for within the total amount allowed in the bill.

The amount appropriated in the 1953 regular act for the program was $87,325,000. Pursuant to Public Law 298, 82d Congress, $975,000 was transferred to the 1953 appropriations for "Salaries and expenses, Federal Bureau of Investigation" which, added to the regular appropriations, made a total of $88,300,000 available. Foreign currency funds totaling $7,901,667 for the Fulbright program were also available during fiscal year 1953 without dollar appropriations.

It was represented to the committee that the revised estimate was an austerity budget. However, when there is included in that budget a request to double the amount for representation allowances from "$50,000" to "$100,000" the austerity of such a budget is highly questionable. The committee has placed a limitation of $30,000 on the item "Representation," which is a reduction of $20,000 below the amount for fiscal year 1953.

The very format of the budget justifications causes confusion when an effort is made to compare specific units with previous years. In spite of the fact that no firm plans were presented for reorganization of this activity, the organization structure presented in the justifications was considerably different from that presented in the 1953 estimate. The committee is interested in accomplishments rather than doctrine and philosophy.

Although the reduction in the budget estimate may appear to be severe, the amount provided herein is exactly the same as the sum contained in the regular Department of State appropriation bill for the item "Salaries and expenses" as it passed the House to carry on the regular consular and diplomatic activities of the Department, both in this country and in approximately 300 foreign service posts throughout the world.

Large sums have been included in the budget estimate for various programs of this organization in many of the countries considered to be friendly to this Nation. For example, the estimated amount to be spent in the United Kingdom, exclusive of certain administrative costs, was $1,665,418 for 1954. Likewise $415,237 was to be spent in Australia. It would appear that considerable savings can be made by substantially reducing or eliminating such programs.

The committee has been terribly disappointed with the accomplishments of this entire program. It is to be hoped that this program will be cleared up and established on a sound basis and that it be done quickly.

The committee has placed a limitation in the bill providing that not to exceed 7,500 average annual positions, including the pro rata portion of administrative support personnel, may be financed from this appropriation, and that the average number in each functional activity shall not exceed two-thirds of those now employed. In the reduction of personnel, it is expected that at least a proportional number in the higher pay brackets will be terminated as in the lower brackets.

The original budget estimate contained $20,200,000 for acquisition and construction of radio facilities. This amount was eliminated in the revised estimate and no funds have been included in the bill for that purpose.

There is included in the bill $220,000 to cover the expenses of the International Claims Commission's administrative operations for the fiscal year 1954. The committee has included language providing that this amount becomes available only after enactment into law of the provisions of H. R. 5742 extending the period of operation of the Commission and increasing to 5 percent the amounts deducted from awards and ordered to be deposited into miscellaneous receipts of the Treasury.

There are four items for the Department of Justice. Language is included in the bill which authorizes the Attorney General to transfer not to exceed $250,000 to the appropriation "Salaries and expenses, United States attorneys and marshals" from appropriations contained in the Department of Justice Appropriation Act, 1953. The committee was advised that this transfer authority was necessary in order to provide for higher costs of court reporting, marshal, and guard travel in connection with the transportation of prisoners, and for communications.

The committee recommends $8,072,696 for payment of adjudicated claims of certain persons of Japanese ancestry. Of the amount included herein, $4,172,696 is for claims completed in fiscal year 1952 and the remainder for fiscal year 1953.

The bill includes $14,546 for payment of certain claims for extra pay for Sunday and holiday work for immigration inspectors for fiscal year 1946 and prior years. These additional claims have been certified by the General Accounting Office.

The amount of the budget estimate, $11,000, is recommended to liquidate obligations incurred during fiscal year 1951 for care of United States prisoners in non-Federal jails. A more prompt settlement of such obligations is expected hereafter.

The only item for the Department of Commerce is export control. The bill includes $3,700,000 to cover the costs of this program in fiscal year 1954. This item was not included in the regular annual appropriation bill for the Department of Commerce since the legislation continuing this program had not been enacted at that time. The amount allowed is a reduction of $1,100,000 in the budget estimate. Of the total amount allowed, $900,000 is for the Bureau of Customs. The committee wishes to emphasize the fact that it does not consider the export control program to be a permanent organization.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CLEVENGER. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I understand there was a very drastic cut in the Civil Defense appropriation; is that correct?

Mr. CLEVENGER. That item does not appear in this section that I am discussing. That comes in another section of the bill. I am speaking now of the section covering the Departments of State, Justice, and Commerce.

Mrs. ROGERS of Massachusetts. But the gentleman does not know if it appears in another section?

Mr. CLEVENGER. If it appears?

Mrs. ROGERS of Massachusetts. I understand that there was a cut in the budget appropriation recommended from $125,000 to $37,000.. I understand the budget recommended $150,000, and that was cut to $37,000.

Mr. CLEVENGER. I will say to the gentlewoman from Massachusetts that that will be discussed in a later section.

Mrs. ROGERS of Massachusetts. Can the gentleman tell me who will discuss that section of the bill?

Mr. CLEVENGER. I am speaking now only of the Departments of State, Justice, and Commerce.

Mrs. ROGERS of Massachusetts. The psychological warfare item comes in this appropriation, does it not?

Mr. CLEVENGER. It does not in this section.

Mrs. ROGERS of Massachusetts. That has been taken away from the State Department?

Mr. CLEVENGER. A great many things have been taken away from the State Department, I may say. Some of them have gotten completely out of control in the amounts of money that they were spending.

Mrs. ROGERS of Massachusetts. I know that the gentleman has done a magnificent piece of work in trying to perfect the Voice of America, for instance. I believe the gentleman deserves a lot of credit for that.

Mr. CLEVENGER. I should like to say to the gentlewoman from Massachusetts that this is, I believe, the sixth year I have considered that item. Every year we have been hoping for something new and something better. Here is a comment that I made after we listened to the present Administrator, who is leaving us in a couple of weeks. It appears at page 613 of the hearings.

Mrs. ROGERS of Massachusetts. I shall read it with great pleasure.

Mr. CLEVENGER. I said:

> You know you have not told us any new things today. The names have been different, but most of these statements we have listened to for the last 5 or 6 years, and each year they get bigger and bigger. I think the program should get smaller, cleaner, and sounder.

That expresses exactly how I felt after 6 years of working with this.

I made a further comment, "There has not been a new thing developed here today." And that was after an all-day hearing.

Mrs. ROGERS of Massachusetts. I thank the gentleman. The gentleman has felt, as I have, that the Voice of America should be brought to Washington and should become Radio Washington, rather than operated from New York and by the commercial companies?

Mr. CLEVENGER. I will say to the gentlewoman from Massachusetts that the Voice of America should be in the control of the State Department, that sombody in Washington should have control of the input; because what goes out to the world might weaken us or make us seem ridiculous or involve us in difficulties, and perhaps completely without the knowledge of the State Department. That sort of operation is not a good setup for any public information program.

Mrs. ROGERS of Massachusetts. It has already hurt us. The gentleman may remember that in the last Congress we recommended that a standing committee of the House be appointed to study the program and report back to the various committees, and the House their recommendations. I thought this would be done, but the Truman administration turned it down. This debate shows the need for that committee.

Mr. KERSTEN of Wisconsin. Mr. Chairman, will the gentleman yield to me?

Mr. CLEVENGER. I yield.

Mr. KERSTEN of Wisconsin. I appreciate the remarks of the distinguished gentleman from Ohio. I share, in part, his feeling that during the past several years the public information program has not been satisfactory. I was interested, however, in the statement of the gentleman that his hope was that it would become cleaner and smaller.

I wonder if the gentleman meant that. In other words, is this not true, that during the past several months we have had a great deal of information about various things that were first brought to light, concerning the operation of this program, and we may hope for a cleaning process? And if the program is cleaned up, then is it not the gentleman's feeling that these facilities should not only be maintained but that they should be strengthened and increased?

Mr. CLEVENGER. No; I do not go all that way with my friend from Wisconsin. I might say to my friend that we are paying hundreds of thousands of dollars a year for rent in the city of New York, much of it for warehouse space to store millions and millions of dollars' worth of electronic equipment, which perhaps should not have been purchased. Perhaps the gentleman would agree with me that this organization was already too big. You would agree with me that the thing is already too big. After all, what do we need most? What is nearest the heart of every American is a foreign policy that is short enough for all to understand and one clear enough to be impossible of distortion on the Voice of America or any place else. That has been the great trouble with this, there has been no proper monitoring of the input; there has been no proper check on the output.

Mr. KERSTEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CLEVENGER. I yield.

Mr. KERSTEN of Wisconsin. I can understand the gentleman's feeling, if I can ask the gentleman a question——

Mr. CLEVENGER. Will not the gentleman agree with me that $60 million is a lot of money if it is well spent?

Mr. KERSTEN of Wisconsin. With regard to that I would like to point this out to the gentleman: We are spending I think it is $60 billion, or some such figure, for defense, mere material force. If we are spending $60 million for our psychological effort that is about one one-thousandth of the cost of the mere physical force that we are providing in this Nation, the military. Now, if this program is cleaned up and if it does become effective—it is not an easy thing, and this program can cause a weakening of the military forces behind the Iron Curtain such as we have seen some evidence of before—are you not thereby gaining a great deal with a very little effort psychologically that we are trying to oppose by mere physical force otherwise?

Mr. CLEVENGER. Here we have what? A captive audience in the occupied area. We have at least five radio programs going to them. You may not know it, but there is a second operation in Munich with nearly 1,100 employees.

Mr. KERSTEN of Wisconsin. I know that.

Mr. CLEVENGER. They are adequately covered, but still it gets back to this as a sharpshooting operation and not a burp-gun operation, that you center on target and you go where you want to go; in doing it you do not upset the neighbor of your target by ill-advised broadcasting such as we have had, and the woeful condition of the information libraries' activities all over the world. We tried in vain to find out something about that. Here we were told that there were a million or two million titles. We asked the question and asked if it was not easy just for any interested person to insert any kind of document into these libraries. They did not deny that.

Does mere size or mere waste of money guarantee the end result? And let me say, where it gets right down close to my heart—I know that balancing the budget is painful. If you do not believe that, get on the Appropriations Committee and have a lapse of 2 months between action by the House and the Senate, and let every interested person put the pressure on you; if you do not have shingles there is something rather abnormal about you. Balancing the budget is a painful operation. That is the reason why some accept bankruptcy without even calling it a calculated risk. In my opinion it is the highest risk that we are facing today: The ultimate bankruptcy of your country and mine if we do not do something to see that our money buys something when we spend it.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. CLEVENGER. I yield.

Mr. McCORMACK. The President of the United States recently sent up a reorganization plan which is now in the Committee on Government Operations, and I assume will be voted on by the members of that committee shortly in relation to information activities, Voice of America, and so forth. As a matter of fact, I am going to vote for the reorganization plan; that is what I think of it. I appreciate the difficulty of being a member of the Appropriations Committee, but to me, it is not only a question of balancing the budget, to me it would be awfully painful if we lost our country. I would not want to see that happen for JOHN McCORMACK's sake as well as for the sake of 160 million other Americans. But the effect of this cut, in my opinion, will be practically to destroy the reorganization plan of President Eisenhower. I commend that to the gentleman's attention.

Mr. CLEVENGER. That is the gentleman's opinion. I do not agree with him.

Mr. McCORMACK. That opinion exists among the officials of the gentleman's own administration.

Mr. RILEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Chairman, I rise at this time to point out that the action of the majority members of this subcommittee and the full committee with regard to appropriations requests for the so-called Voice of America and for export control was not concurred in by the minority members of the subcommittee.

With reference to the international information and educational activities program, the gentleman from Massachusetts [Mr. McCORMACK] just a minute or so ago put his finger right on the heart of the situation when he said that the action of this committee in reporting out a total appropriation of only $60 million—this is the figure shown in the committee report and the amount included in this bill, but I am going to show you in a minute that the figure is actually only $50 million for 1954—has seriously jeopardized the entire propaganda program. As a matter of fact, the committee action throttles the throat of the Voice of America. It would create havoc with the proposed reorganization plan of President Eisenhower. When

you consider that in this same bill there are included funds to the extent of $22 million for our propaganda in Germany and Austria alone, to allow but $50 million to cover the entire balance of the world, to carry our views and the facts to the peoples of Asia, behind the Iron Curtain, Western Europe, Africa and the Near and Middle East, South America, and elsewhere is sheer folly. If that is economy, it is some more of the usual senseless economy that we get from that side of the aisle.

Let me discuss with you the recommended figure, $60 million. President Eisenhower asked for $87,900,000 for this program in the present fiscal year, which began July 1, 1953. The committee cut this to $60 million, and when I say "the committee" I want it understood that the majority members of the committee cut it to $60 million. This becomes now really a program of only $50 million a year. The committee cut is to the extent of 48.4 percent of the Eisenhower budget request without a single word of explanation to this House in regard to the details of the cut.

You heard glittering generalities from the gentleman from Ohio with regard to the action of the committee on this bill, but you did not hear him point out any of the details of the activities of the Voice of America that he was cutting. At the time of the markup on this bill the minority asked: "Since you are going to cut this appropriation to $60 million, please allot so much of it for radio broadcasting, allot so much for press and publications, allot so much for the motion-picture program, and so much for the exchange program. Show where you are going to make these cuts." But apparently no one had the courage to do that. They just made a blind meat-ax cut to the extent of almost $47 million, or 48.4 percent, in the funds requested by President Eisenhower.

When you cut a program such as this from $96,800,000 to $60 million, we all know there are certain liquidation costs involved which are covered by law. I have it on the authority of the agency concerned, President Eisenhower's Voice of America, that this liquidation cost will amount to $10 million, so that the net amount left to carry on will be about $50 million. I am reading from a document prepared by them:

> Extra cost of carrying existing level until reductions can be made in the first quarter of the fiscal year, plus terminal leave and other termination costs involved in canceling and closing out equipment and facilities, $10 million.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I shall be glad to yield to the gentleman from New York in just a minute.

We have a meeting of the mutual security appropriations subcommittee in 20 minutes. I hope to get a bar of candy, or something, for my lunch between now and then, but I am sure I will have time to answer any question of my good friend from New York. Before yielding, I should like to point out one matter in the committee hearings which might be of interest to the House in connection with a subject that has been widely discussed these many weeks. I shall read from page 592 of the hearings which were held as recently as the 22d of June.

The distinguished gentleman from Georgia [Mr. PRESTON] addressed the question to Dr. Robert L. Johnson, the former president of Temple University, who resigned as Administrator of ILA last week and is going to return to Temple University. Dr. Johnson came to Washington at the request of President Eisenhower in February. He worked hard and long and was trying to do a decent job in regard to the Voice of America and our information program, but when he found he was being hamstrung by this committee and the majority on that side of the aisle, he had no alternative but to resign. In the time he was head of the Voice of America he learned that you cannot maintain an adequate vital program and keep our Voice before the world on the small amount of money allowed by the committee in this bill. Mr. PRESTON asked Dr. Johnson the following question:

> How many books actually were removed from our overseas libraries?

Gentlemen, this is the 22d of June.

> Dr. JOHNSON. I will ask someone else to give you that information.

Mr. Kimball, next in line to Dr. Johnson and the Acting Deputy Administrator, replied:

> Mr. Chairman, the report on the books that should not be in the libraries disclosed that out of 100,000 titles only 25 titles had to be removed. All of those 25 titles were titles which had been acquired by gift or by our taking over other libraries. They did not happen to be titles that were purchased through this appropriation program.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from New York.

Mr. COUDERT. Just one or two things, Mr. Chairman, I think it might be appropriate to point out at this time following the remarks of my eloquent friend, the gentleman from New York [Mr. ROONEY]. He asked for examples of items that the majority thought perhaps represented a waste of money. One small item just happens to occur to me. I have not the record before me at the moment and I will not go into detail at this time, because it is a long and complex program. But if he will recall in the list of missions, the personnel of permanent missions alone, information missions in various countries, the Kingdom of Denmark, which the other day refused to permit NATO planes to use its airfields, is down in this budget and has been down in other budgets for over $500,000 simply for maintenance of an information mission. Let me point out at the same time for the benefit of those who read this RECORD and the Members of Congress who may read it in the morning, that a very large proportion of the funds heretofore used and this year requested for this agency are used not to get behind the Iron Curtain, not to present the American view in the doubtful areas of the Near East and the Far East, but in the United Kingdom, in the Republic of France, in the Republic of Italy, in the Kingdom of the Netherlands, in Canada, in Australia, and in New Zealand; in other words, a very large part of the funds that have been heretofore used and the new funds now requested are for maintaining missions and doing propaganda among those very allies, our independent equals, whether for the purpose of bypassing their governments or not, I do not know.

Point No. 2: In this request, it is very significant for the public to note that only $20 million is requested for radio work. To the general public, the Voice of America means radio. The rest of it is books and magazines and movies.

Mr. ROONEY. Yes, but the committee did not have the courage to say that the full amount should be used for radio. That is one of the things I have pointed out.

Mr. COUDERT. Let me point out as a practical matter that radio that is to be used to penetrate the Iron Curtain and radio that is to be used to inform those people in the Near East and Far East who may be teetering on the edge of an alliance with one or the other of the great groups is a different thing from propaganda in France or Great Britain.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CANFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from New York.

Mr. ROONEY. I thank the gentleman from New Jersey.

In answer to my friend, the distinguished gentleman from New York [Mr. COUDERT], I must say he seems as genuinely appalled today as he was at the time of the hearings when he found out that the information program is directed to the United Kingdom, Denmark, Italy, and other allied countries. Perhaps we have not been as effective with our propaganda in Denmark as we should have been. That may account for the situation to which he alluded and which occurred recently. But the gentleman from Wisconsin [Mr. KERSTEN] and many of us know something of the value of the work done by the Voice of America and of the fact that we must have a strong Voice of America. However, there are some few of us who are using this appropriation bill to throttle the Voice by making such a cut as this, a cut which, incidentally, is being protested vehemently by the present administration.

Miss THOMPSON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentlewoman from Michigan.

Miss THOMPSON of Michigan. In 1946 as a member of the headquarters command in Frankfurt, Germany, I was sent up to Denmark and did a 7-month tour of duty in Copenhagen. The Voice of America came over the radio once a week. During the entire 7 months, I think I was the only person who listened to that program. The only program they had was the Hit Parade, and it was the same program every single week. The people in that country were not the least bit interested.

Mr. ROONEY. I thank the gentlewoman for that contribution. Her experiences do not jibe with the recitations presented to the committee insofar as Denmark is concerned, as to the programming, the contents of the program, and the number of hours of broadcast.

Mr. PRESTON. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield.

Mr. PRESTON. I wonder if the gentlewoman, in fact, is not referring to the Armed Forces radio to which she was listening, and not to the Voice of America.

Miss THOMPSON of Michigan. No, this was the Voice of America.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield.

Mr. McCORMACK. So we now have a situation where on this subcommittee, the Republican members voted against the recommendation of President Eisenhower.

Mr. ROONEY. Yes, all four of them voted against it.

Mr. McCORMACK. And the Democratic members voted for the recommendation of the President with reference to the Voice of America. We now have before the Committee on Government Operations a reorganization plan, I know I am going to vote for it. I do not know how the Republicans on the committee will vote. This appropriation for all practical purposes will not only seriously impair the effectiveness of the Voice of America, but for all practical purposes will destroy the reorganization plan which was recently sent up by President Eisenhower.

Mr. ROONEY. The action of the committee would throttle the Voice of America. It could never be revived without the expenditure of unnecessary millions and millions of dollars.

Mr. McCORMACK. So the country is now viewing the spectacle of the Democratic Party in the Congress being the responsible party whereas the Republican Party is completely divided. The people of America look to the Chief Executive and the Congress so far as the best interests of the country are concerned, but here in the House of Representatives the people can only look to the unity and forward vision of the Democratic Party for the best interests of our country.

Mr. ROONEY. I thoroughly agree with the gentleman. The thinking on the part of those in control is that there should be no Voice of America, but they do not have the courage to say so. They will get up here and say, "Oh, we would like to have a Voice of America if it were cleaned up, or if it were better, or if it were this, that, or the other thing." But, when it comes down to it, in committee they tell you that we should never have had a Voice of America, we never should have had a foreign aid program, we never should have had a mutual security program. We should just lie down and go to sleep and hope that the rest of the world rolls by.

Mr. RILEY. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. PRESTON].

Mr. PRESTON. Mr. Chairman, it is perfectly obvious to the Members who served on this subcommittee on the minority side that this is the beginning of the death of the Voice of America. I am sure, as I see the Members on my left nodding their heads affirmatively, that this is exactly what a great many on the left side of the aisle want to happen to this program.

Mr. KARSTEN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. PRESTON. I yield.

Mr. KARSTEN of Missouri. I would like to just quote the Republican platform which they adopted last July in Chicago. They said, "We shall again make liberty into a beacon light of hope that will penetrate the darkest places. That program will give the Voice of America a real function."

Their probata does not seem to agree with their allegata in this case.

Mr. PRESTON. Of course, it is just like the claim that they make with reference to the Air Force appropriation that we are going to get more planes for less money. Now they tell you that they are going to clean up this program and are going to send out more propaganda for less money. I would like to see them do it.

It is a deplorable situation at this very critical time in our national existence when behind the Iron Curtain people are waking up and where the seams in the curtain are cracking that, we in America, crawl back in our shell and give up on this proposition of propaganda to the world. When could it be more necessary to carry a strong message to the enslaved people behind the Iron Curtain than right now when we see so much evidence of activity and of rebellion on the part of the people who are enslaved? Is it not now when we should be most active, when we are giving wheat to Pakistan to save starving peoples, and should not that message be carried over the entire world and hammered home not just here in one newspaper article to be read by a small percentage of the people, but to be hammered home day after day after day until everybody in the whole world knows that it is the policy of our country to give of our substance to the less fortunate people of the world, and recently when the President in his wisdom said to the people of East Germany who are suffering for a lack of food that we in America have surpluses and that it is with great pleasure that we would provide them with some of our surpluses so that you can have food for your suffering and undernourished children.

Yes; and that was bitterly condemned by the puppet rulers in East Germany. Is not this a golden opportunity to carry that message into every corner of this world? Of course, it can have tremendous impact in East Germany.

But if you follow the leadership on that side of the aisle, you would keep that a deep, dark secret, that we have made this offer. This program is the only medium we have to carry our message to the people of the world.

Mr. PRIEST. Mr. Chairman, will the gentleman yield?

Mr. PRESTON. I yield to the gentleman from Tennessee.

Mr. PRIEST. Right in line with what the gentleman has said about the President's offer of $15 million worth of food to the people of East Germany, I just read on the ticker a minute ago a paragraph to the effect that in defiance of the Red authorities, the Communist Soviet authorities in East Berlin, thoussands of people today were flocking to two or three points on the border where food was being made available to them at reduced prices. They were stopping their jobs and walking away from their machines in order to get food, in defiance of the Red authorities. I just mention that, because it just came over the ticker and it shows the state of mind of the thousands behind the Iron Curtain. I concur fully in what the gentleman is saying.

Mr. PRESTON. I thank the gentleman.

We know that there are just two ways we can fight these commies; one with bullets and the other with propaganda. How else can you do it? I want anyone to tell me what other methods we have. We have been trying to avoid the use of bullets, because we know what an atomic war will mean to civilization.

If I am correct in this premise, is it not a fact, then, that we are going down the hill when we cut this information program exactly half in two; and adopt such silly language as is contained in this bill, which says that every activity must be reduced by one-third—putting them all on an even basis? It will strangle what is left of the program.

I said to certain of my colleagues on the committee one day—and I want to repeat it here—"Why don't you have the courage to take every dollar out of this bill and bring it to the floor of the House and then let us offer an amendment and see what the will of the House is?" I said, "Do not cut this program in half, cripple it and make it useless, and then bring it out and put us in the unfortunate position of trying to get an amendment adopted sponsored by the minority, which is almost impossible."

They conceded to me privately that if they had the power they would kill it. Yes, they made those admissions, "Yes, I would kill the entire program."

Why should we in the House follow the leadership and listen to these voices on the floor who say, "This is a sound program. This is a reasonable figure. We can get a good program with this money," when we know privately that they do not even believe in the program? Can we follow that kind of leadership?

It is disheartening to see the Republican Party in Congress cut the ground from under a new and distinguished American President. But it is happening weekly here, and this is one of the finest examples of it.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. PRESTON. I yield to my committee colleague from New York.

Mr. ROONEY. A letter has just been handed me, addressed to the gentleman from Massachusetts [Mr. McCORMACK], by the national commander of the Amer-

ican Legion, Lewis K. Gough, which partially reads as follows:

The House Appropriations Committee, however, has recommended a cut of about 33 percent of President Eisenhower's request. This actually will amount to approximately 50-percent cut in the program after payment of liquidation costs. We are convinced that this represents too small an appropriation. The American Legion, therefore, requests that the Congress appropriate sufficient funds to assure a vigorous and successful campaign in the war now raging throughout the world for the minds of men. Now is not the time to cripple this vital activity; instead, now is the time to strike at the weaknesses and strife behind the Iron Curtain.

The restrictions imposed by the House committee also would prevent any strengthening of the existing units of the agency.

And may I insert here the statement that the matter of such restrictions referred to was never discussed in the subcommittee meeting at the time of the markup of the bill:

To hold the various information programs to personnel limitation of two-thirds of those now employed would have the effect of freezing each operation into a status quo which the reorganization plan is intended to improve. Should a limitation is completely contrary to the mandate of the American Legion.

As their national commander, I know that the strengthening of this propaganda campaign of the United States is a matter of direct interest to Legionnaires, as it is to all Americans.

We will, therefore, appreciate very much what you personally can do to make certain, in this field, that the United States does not come up with too little, too late.

Mr. PRESTON. I thank the gentleman, and I think it is a very significant message from a great patriotic organization.

Now I would like to make some comment about what has been commonly called cleaning up this program. You know, when you cannot pinpoint any particular thing that irks you about a program, you just indict the whole thing by saying it is incompetent. They have indicted this program by saying it needs cleaning up. Dr. Johnson, a great American, took about 3 months to study this program, and I know he studied it; I know something about the hours he spent on it. When he appeared before the committee I asked him some questions about what he found in this program. I said:

Doctor, how many employees have you now?

He said:

Around 7,800 or 8,000, including the locals.

How many incompetents have you had to discharge?

Well, only one that we have discharged, that fellow in the movies. The other fellows we just told them that they had better resign or we would prefer charges.

How many would you include in that category?

I guess about six.

About six incompetents.

Dr. JOHNSON. Yes. I would say about six whom we regarded as security risks. I do not know, and Mr. McLeod does not know that they were disloyal, but there was enough about them to indicate that they were security risks.

After 3 months looking into this program Dr. Johnson removed 6 people. That is all he could find, and he went in there with a free hand to do anything he wanted to in an effort to do what some people call "clean up" this program.

The unfortunate thing about the propaganda program is that it is hard to evaluate. You say $100 million is a lot of money to spend on propaganda. Well, if you could produce an end product that you could count and say, "I have produced so much of this," in terms of figures that you could really add up, then you might convince somebody that the program is good. But when you cannot evaluate a program—you send these messages out into the air; you know not where they fall—it is difficult to sell it to the public and the Congress. That is the big trouble with it. It is a gamble of colossal proportions; there is no doubt about it. Hitler tried it; it worked. Mussolini tried it; it worked. Stalin used it to put the people of Russia to sleep, and it was so successful in his own country that he has carried it into many other countries through propaganda. We know that it can work. I think Americans are as ingenious as any other people in the world; I think we are capable of using truth as a weapon as successfully as anybody else if given the opportunity to do it. This program is young. It has not had a fair experimental time or period in which to operate. We have used the trial and error method largely. We realize that mistakes have been made, but they were honest mistakes, and if given a fair chance it can do the job for America that propaganda and the carrying of truth has done for other nations of the world. To kill it now in this atomic age when men everywhere in free nations are praying and working for one common goal, that is of avoiding war and trying to save this civilization from atomic destruction, to completely destroy the only other weapon we have to bring about these accomplishments and goal is folly, in my judgment.

I am not so sure but what the House of Representatives on tomorrow will reverse this subcommittee and restore enough money to this bill to carry on an adequate propaganda program. To do what we are here doing to my mind is fiddling while Rome burns. The following is an analysis showing how serious this cut really is:

JULY 10, 1953.

SUMMARY STATEMENT ON EFFECTS OF JULY 10 HOUSE APPROPRIATIONS COMMITTEE ACTION ON 1954 IIA APPROPRIATION REQUEST

HIGHLIGHTS OF COMMITTEE ACTION

1. Program funds were cut almost 50 percent from the Eisenhower Budget

[Millions]

Eisenhower budget:	
Dollar appropriation request	$87.9
Authority to use local currency without dollar cost for Fulbright educational exchange program	8.9
Total	96.8
Committee allowance:	
Total appropriation, including dollars to purchase local currency for Fulbright program	60.0

1. Program funds were cut almost 50 percent from the Eisenhower Budget—Continued

Committee allowance—Continued.	
Deduct estimates liquidation costs: Extra cost of carrying existing level until reductions can be made in the first quarter of the fiscal year, plus terminal leave and other termination costs involved in canceling and closing out equipment and facilities	$10.0
Program level after liquidation	50.0
Percentage reduction (from $96.8 to $50 million) ——percent	48.4

2. One-third average staffing reduction required for all units

The following clause was added by the committee to the appropriation language:

"That not to exceed 7,500 average annual positions, including the pro rata portion of administrative support personnel, may be financed from this appropriation and the average number in each unit shall not exceed 66⅔ percent of the number now employed both as to the United States and local personnel, respectively."

A limitation of 7,500 average annual positions compares with a total of 11,070 positions in the fiscal year 1954 budget (8,813 IIA positions plus 2,257 positions representing the IIA portion of administrative support personnel). Because nearly all the positions requested in the fiscal year 1954 budget were filled on July 1, 1953, the application of this average annual limitation means that the postliquidation permanent level will be well below the 7,500 figure: assuming 10,500 to be the average number of positions during the first quarter, the average number of positions for the remaining three quarters would have to be 6,500 in order to achieve the overall annual average of 7,500.

Orderly reprograming of reductions and proper organization of the new information agency are made impossible by the limitation of the average number in each unit to two-thirds of present employment.

The term "unit" is not defined. If it is interpreted to mean a major office in Washington and New York and a single post or relay base overseas, the application of this restriction would make operations almost impossible.

The application of the average limitation this late in the fiscal year means that at best a one-third average reduction will result in a post-liquidation permanent level of about 55 percent of the present staffing in each unit, since it will take until the end of the first quarter to terminate excess personnel.

Relay bases which operate around the clock 7 days a week at a remote location cannot maintain sufficiently effective operations if American and local staffing is reduced to 55 percent of present complements. Yet if, for this reason, the base is closed down completely, the additional staff savings cannot be applied to any other relay base or radio facility operation because each other unit would also have to reduce to the 55 percent level. In the same manner, smaller posts which might be completely ineffective at a 55 percent level would have to be closed. In many such instances, this would place additional burdens on other posts. Nevertheless, these posts would also be reduced to 55 percent present strength.

In Washington this would so reduce the size of regional bureau public affairs staffs in the Department of State that it is doubtful that the Secretary of State could properly implement his foreign policy guidance responsibilities under Reorganization Plan No. 8 of 1953.

Furthermore, it would appear that any reprogramings which add functions to an

existing unit would face the 55 percent reduction in that unit, regardless of the fact that compensating reductions might be made elsewhere. This would require abandonment of many planned changes in connection with the reorganization of IIA, MSA, and Department of State administrative support functions in the new information agency.

Finally, decentralization to the field would be impossible in the face of the automatic reductions to the 55-percent level required at field posts by this language provision.

3. Appropriation language permitting use for radio-construction funds for "project pigeon" has been deleted

"Project pigeon" is a high priority project under consideration at the national level. The Budget Bureau approved the language change to allow the President to undertake this project immediately, if deemed necessary.

RECOMMENDATIONS FOR URGENT ADJUSTMENT OF COMMITTEE ACTION

1. Restore appropriation to $80 million. This would be a reduction of approximately 10 percent from the original estimate of $87.9 million, or slightly more than the June 12, 1953, overall percentage reduction recommended by the Budget Bureau in funds for Reorganization Plan No. 8 agencies.

2. Restore appropriation language which would permit use of local currency for the Fulbright educational exchange program without dollar cost, as requested in the President's budget.

3. Restore language which would permit use of construction funds for "project pigeon."

4. Delete language which placed a restriction on average annual positions in total and by unit.

ANALYSIS OF IMPACT OF REDUCTION FROM $97 MILLION TO $50 MILLION PROGRAM

A cut of almost 50 percent in the IIA program means that in its first days of operation the new Information Agency will be required to plan and launch a sudden liquidation effort affecting every activity at home and abroad. Every liquidation decision delayed beyond August 1 will mean that each day of delay will cause liquidation costs to rise above $10 million and the eventual program level to sink below $50 million.

There will be time—because there has to be time, regardless of cost—only to formulate with the Department of State and, possibly, to obtain approval at the national level, of the list of countries from which the information program will be withdrawn or reduced to a trifling residual function.

IIA planning studies, PSB directive, NSC decisions, the Jackson Committee Report, and the Hickenlooper report will be so much wastepaper in this process, since all have been based on a relatively constant program level within which readjustments could be made.

It is in this context that the following analysis has been made:

Proportions and history of the IIA budget, 1952–54

1. USIS missions:

About two-thirds of the $19 million requested for the overseas missions would pay for 855 American and about 4,000 local employees. These figures create an impression of large missions which might be substantially reduced without seriously reducing effectiveness.

Actually, 69 percent of the 188 USIS posts have 3 or less American employees. Eighty-two percent of the posts have 6 or less Americans. Only 5 posts have more than 20. Complements of local employees are larger, of course, but fall into similar patterns. Of the 188 posts, 22 percent have 3 or less local employees, 35 percent have 6 or less, and over half have 9 or less. These facts were presented to the House Appropriations Committee on page 35 of the budget and a witness called attention to the appropriate tables. A substantial reduction in funds means the closing of many posts. Whole objectives, activities, and target audiences would have to be abandoned with the shrinking of available resources. Only in a few of the most crucial countries could total programs be maintained almost intact.

2. MSA political themes: The information support of mutual security political themes is to be transferred in 1954 from MSA to IIA. These themes include support of NATO and European integration, countering of Communist attacks on these endeavors, and winning the support of European labor. MSA spent $11.5 million on these themes in the year just completed. In fiscal year 1954 only $7 million was requested by IIA for these activities in Europe. Most of the present projects would be eliminated under a 50-percent program reduction.

3. Information media support to missions:

There appears to be an impression that large sums of money are devoted to the production and distribution of vast amounts of media products, many of which could be dispensed with without serious detriment to the program.

Actually the budgets for the 3 information media other than radio—press, films, and information centers—have been reduced from $25 million in 1952 to only $15 million in 1954. Only 15.5 percent of the total IIA budget was requested for these 3 services combined. The products requested were closely tailored to the precise needs of individual country program.

All would be slashed further under a 50-percent program reduction, along with the elimination of posts, country missions, or basic segments of programs overseas. The decision to abandon an audience would eliminate the need for media products.

4. Radio broadcasting:

Of the $21 million for radio broadcasting, the largest single estimate in the budget, about $13 million is required for facilities operations alone. Of the remaining $8 million, only about $2 million is requested for programing to the free world, and a quarter of this amount is for the Arab world.

If radio were to absorb a proportionate 50-percent reduction, there would be serious question as to whether the amount of programing which would remain would justify the relatively large expenses of facilities operations which would be required, since most of IIA's domestic and overseas facilities are essential to penetration of the Soviet Union and its satellites. Solution of the dilemma created by the $50 million level might require total abandonment of radio as an instrument of the information program.

Specific steps which might be forced by drastic cuts include: Abandonment of the two new Pacific relay bases, John and Jade, which would save about $1.5 million in the last three quarters of 1954 (less mothballing costs). This step would represent abandonment of the effort, for which the Congress appropriated $15 million in construction funds, to step up the signal to Communist and critical non-Communist areas of the Far East.

Abandonment of all free-world broadcasts, including the Arab areas, would save another $1.5 million in 1954, plus some facilities operations costs.

Cancellation of the expansion of the programing center at Munich and the proposed recording center at Beirut, plus abandonment of the present programing activity at Munich, would save about $1 million in 1954. Although decentralized radio activities have been recommended by all studies, they would be too expensive to support under a $50 million level.

The mothballing of the shipborne transmitter *Courier* would save something under $1 million. The *Courier*, presently an extremely effective facility relaying broadcasts to the Arab world and potentially available for other assignments in emergencies, would become unnecessary with the abandonment of Beirut and New York programing for the Arab world, and the withdrawal from the Far East through abandonment of John and Jade.

Further facilities reductions and programing curtailment with respect to the Soviet Union and satellite countries would be necessary to achieve the additional four to five million dollar reduction if radio estimates are to be halved.

5. Exchange of persons: Drastic reduction of the exchange of persons program cannot be avoided if the total program is cut in half. This would mean (1) maintenance of fixed costs of Fulbright academic exchange programs in 24 Fulbright countries under binational agreements, and abandonment of all new agreements or expansions planned for 1954; (2) elimination of virtually all Smith-Mundt foreign leader and American specialist exchanges in Fulbright countries—the exchanges which relate most directly to current United States foreign policy objectives; and (3) very substantial reductions in all categories of exchanges in the 56 non-Fulbright countries.

6. Other program staff activities: This estimate covers all of the staffs and activities of IIA, and the regional bureau public affairs staffs of the Department of State, except for the IIA media service. The total estimate for 1954 is only $2.5 million. Under the $50 million level, a cut of at least $1 million would be necessary. The ability of both the new information agency and the Department to undertake their responsibilities under Reorganization Plan No. 8 of 1953 would be very substantially impaired, since the functions involved do not contract in proportion to the curtailment of operations.

7. Administrative support: This item would be reduced in proportion to the reduction of program expenses. It would be necessary to eliminate approximately $7.5 million in servicing activities if the program is cut in half.

Proportions and history of the IIA budget, 1952–54

[In millions of dollars]

	1952 actual	1953 estimate	1954 Eisenhower estimate	1954 House committee
1. USIS missions	18.0	20.3	19.2	(?)
2. MSA political themes transferred to IIA	10.6	11.5	7.0	(?)
3. Media support to missions:				
Press	9.3	7.8	6.6	(?)
Motion pictures	10.5	7.1	6.4	(?)
Information centers	5.2	4.2	4.0	(?)
4. Exchange of persons [1]	15.4	14.1	15.3	(?)
5. Radio broadcasting	19.8	20.8	20.8	(?)
6. Other program staff activities	2.6	2.4	2.5	(?)
7. World administrative support and management services	15.4	15.8	15.0	(?)
8. Total program costs	106.8	104.0	96.8	50.0
9. 1954 liquidation costs				10.0
10. Total all costs [1]	106.8	104.0	96.8	60.0

[1] Includes funds for Fulbright exchange program, Public Law 584, as amended.

HOUSE APPROPRIATION COMMITTEE ACTION ON REVISED PRESIDENTIAL ALLOWANCES

The Congress is presently considering three separate appropriations which include funds for foreign information and educational exchange programs. These are the IIA appropriation, the Germany-Austria occupation appropriation (GOA), and the Mutual Security appropriation.

The original Eisenhower adjusted estimates for these 3 programs totaled $136.5 million, including $123.4 million in dollars and $13.1 in Fulbright local currencies and special dollar exchange of persons funds.

On June 12, 1953, Mr. Dodge, after a thorough review of the three estimates, issued a revised allowance, and so notified Mr. TABER. The new allowance of $125.6 million included $112.5 million in dollars and $13.1 in Fulbright local currencies and special dollar exchange of persons funds.

The reduction of $10.9 was applied to the overall total, rather than to the individual appropriation requests. This action was based on Mr. Dodge's assumption that the new information agency, reviewing all three programs on a worldwide priority basis and in the light of forthcoming policy determinations of the executive branch, would be able to reduce the total cost of all programs by a substantial amount. In this connection the Bureau of the Budget made it clear to the House Appropriations Committee that flexibility among the three appropriations, and possibly their formal integration, would be necessary to achieve this objective.

The House Appropriations Committee, by its reductions of the IIA and GOA appropriations, has already proposed a maximum of $94.8 million, if it is assumed that the pending MSA estimate of $7.6 million is approved in full. This is a dubious assumption.

The maximum House committee approval of $94.8 would still be $30.8 below the revised Presidential allowance of $125.6 and $41.7 million below the original allowances of President Eisenhower in April.

Furthermore, the House Appropriations Committee has taken two positions which would prevent any effective reprograming of the total funds made available to the new information agency. Its insistence on an average one-third reduction of staffing in every unit financed by the IIA appropriation would require across-the-board reductions of program activities as well as staffing. Its earmarking of German and Austrian public affairs funds, plus the requirement that most of these funds be made available only in the form of deutschemarks and shillings, would effectively prevent worldwide reprograming by the new information agency, or, in the case of the exchange of persons program by the Secretary of State.

It is quite clear, therefore, that the flexibility contemplated by Mr. Dodge in his June 12, 1953, recommendation is denied by the action of the committee.

The sudden downfall of Lavrenti P. Beria—for 15 years the undisputed head of the dreaded Soviet secret police and for the past 4 months the second top-ranking member of the Communist hierarchy—is doubtless the most spectacular and the most significant event in the long series of spectacular events rocking the Soviet Union since the death of the dictator, Joe Stalin.

While the riots in East Berlin have exposed scissions in the totalitarian fabric which were carefully hidden from the West during Stalin's reign, while they now provide us with an eloquent demonstration of the indestructibility of the human spirit, the ouster of Beria has more far-reaching political implications.

Traditionally, a high-ranking Communist slated for the ax—either as a scapegoat for all the mistakes that his regime has committed, or as a symbol of real or potential danger to its existence—is not removed hastily. The ground must be carefully prepared beforehand.

Hence, the victim usually is first demoted and assigned to a relatively minor post either in the party or in the state apparatus. His name ceases to appear on the pages of the daily press. Eventually he disappears, and is then forgotten. Or, should his torturers decide to bring him to court, an indictment is published, accusing him of a staggering variety of crimes. Meetings of hundreds and thousands of citizens throughout the land are then held, where the execution of the "contemptible spy" is demanded. The victim appears in court, abjectly confesses to the charges against him, and is then shot.

But the case of Lavrenti P. Beria is different. His enemies had to move swiftly. If he had a force behind him—say, the members of the secret police—it could not be allowed to consolidate and to strike back. Soviet public opinion—for what it is worth—had to be thoroughly and cynically discounted.

For yesterday Beria was "the greatest son of the Georgian people," the "First Deputy Chairman of the Council of Ministers of the U. S. S. R.," the champion of "Soviet legality," the "flaming sword of the revolution." Yet today he must be made to appear as an anti-party and antistate criminal, an agent of foreign powers, a doomed man.

This is another extraordinary example of what goes by the name of "Socialist justice." How many Soviet leaders have not been meted out the same fate? How many of them did survive the perennial purges, liquidations, executions? If one takes Communist statements, even at face value, one cannot possibly escape the conclusion that the mighty Soviet land has been ruled—since the very day of its inception—by gangs of traitors, spies, provocateurs, wreckers—indeed, by the most nauseating scum of the earth.

The entire directing staff of the Bolshevik revolution in 1917, save Stalin, and virtually the entire leadership of the Communist Party and Soviet state during the first years of Bolshevik rule were decapitated by Stalin. People's Commissars—the equivalents of our Cabinet members—party leaders and theoreticians, disciples of Lenin, colleagues of Stalin, diplomats, military leaders—they have fallen by the wayside.

The heads of the secret police have been accorded the same fate.

Why am I reciting these facts, most of which are familiar to anyone who has closely followed the events in Russia for the past 35 years or so? It is because, since the death of Stalin, there has arisen a school of thought, in this country as well as in Europe, which has welcomed the steps of the new Soviet regime as heralding a basic departure from the tenets of communism.

This school of thought sees the Soviet "peace offensive," as well as internal developments—such as the amnesty, the release of the doctors previously charged with being agents of foreign powers, and the stress on "collective leadership"—as a new "liberal" era in the U. S. S. R. Only several weeks ago the British author of a well-known biography of Stalin, Isaac Deutcher, published a book called Russia: What Next? He predicts, in the most astounding fashion, the "democratic regeneration" of Bolshevism. And only a week ago the July 11 edition of the British non-Communist but left-wing and highly influential magazine New Statesman and Nation remarked with satisfaction that "it is apparently now possible to change a government in a Communist country without condemning its members as traitors."

Perhaps the news about Beria will help to change the minds of the New Statesman and Nation's hopeful editors. Perhaps they will now realize that in a totalitarian state which knows no legality there is no other possible form of promotion, removal, or change of government except by purge, by trial, and by execution.

There are other people still insisting on taking the Communist myth for reality—people who do not see the chasm between Communist promise and fulfillment, between claim and performance. It is these people whom we, in our overseas information effort, must reach and to whom we must talk. Thus it is that the United States International Information Administration, through its various media—the radio, press, films, and libraries—is faced with a task more pressing than ever before.

I hope that we of the Congress will give that agency the means necessary to continue its efforts to combat communism and to bring truth first to the millions of enslaved people behind the Iron Curtain but also to freemen everywhere.

We here are fortunate in that we have never seen a bomb fall upon our cities, nor felt the direct impact of a Communist attack upon our minds and spirits.

Yet, in a way, we pay a price for our good fortune. For the soldier has no illusions about war, and the resident of London, Paris, Berlin or Tokio does not take his defenses lightly. In like manner, the man who has seen the Communists at work with their brain-washings, their mob violence, their hate campaigns, their Stockholm petitions, their subversion of the artists and the intellectuals, their capture of national labor groups, their seduction of youth groups—that man has a frightening understanding of just what Communist propaganda can do to a man, a nation, or to the world.

We here in America have difficulty in appreciating the extent and violence of the Communist propaganda campaign in the cold war. I read in magazines and the press about the hate campaign, and for a moment it makes me angry. I remember the World Peace Congress and the millions of people—some of them United States citizens—who were duped into signing the Stockholm peace petition. I have seen pictures, and so have all of us, of the anti-American posters all over Europe, the signs from Rome to Tokyo: "Yankee, go home."

Yet for all this, I feel that we who have not actually experienced the Soviet propaganda barrage at first hand cannot fully appreciate the nature of this phase

of the enemy's attack upon the free world.

I think that if the international Communists were to zero in on the United States Congress for a few days with a cross section of their round-the-world propaganda barrage, it would scare the daylights out of everyone of us. Yet we know that we are to come later, if the Communists succeed in their global plan to subdue our friends and allies. So we now sit here and ponder the advisability of reducing the President's modest overseas information budget by a whopping 50 percent. That is what the House Committee on Appropriations is really proposing.

What we are pondering, gentlemen, is whether or not the American citizen should be asked to spend about $100 million—or about 55 cents of his tax money—on a counterattack against the Communists' $3 billion propaganda war. We are debating whether or not it is worth the 9 cents it costs our information specialists to land on the target with an American message of freedom and democracy. This is the same America, mind you, that spent probably more than $100,000 for every enemy soldier it hit—not killed, just hit—during World War II.

These are things I can understand. Here is 55 cents. I can spare it for this job, and so can every other American, I am sure. So let us keep on shooting those 9-cent information messages. It is the cheapest shooting—for a great prize—that the United States has ever been involved in.

We Americans are often puzzled and even exasperated when we hear of growing anti-American sentiment in various parts of the world. Unquestionably, it is one of our problems abroad.

Part of this attitude may be attributed to Communist propaganda, both direct and indirect. In many instances, the Reds influence the thinking of people by covertly suggesting reasons for hating the United States, just as the signers of the so-called Stockholm peace petition were victimized 3 years ago.

But apart from the Communist conspiracy to discredit and isolate this country, there are areas and countries where a strong anti-American sentiment has been set in motion by factors having nothing to do with Moscow's tactics. Sometimes, as in Iran, it is because we have not produced a panacea for solving a problem that was not of our making. In parts of southeast Asia, again, we are considered supporters of colonialism, which nationalistically inclined peoples there have come to detest.

Indonesia, on the other hand, is so excessively neutralist that it is difficult for us to circulate even straight news and nonpolitical information. The Burmese have come to link us, rightly or wrongly, with the form of Chinese nationalism of which they do not approve, although they have no liking for its opposite expression in Peiping. The left-wing Socialists of Denmark and some left-wing Laborites in Britain, on differing grounds, have also added to the hostility towards the United States.

In Iceland, there is a certain degree of anti-Americanism, possibly stimulated by left-wing groups in order to discourage the leasing of American airbases. This propaganda element is also present in other areas in the world.

The Red Chinese Government, as you know, has been particularly rabid in its attacks on this country. It even issued a so-called history of United States-Chinese relations for the past 100 years, purporting to show that we were always imperialists and that we instigated the Japanese aggression against China.

Now, we might simply ignore this unrelated mass of anti-American sentiment, or we might suffer in silence. Meanwhile, there is no silence on the part of the Kremlin, or of the Peiping radio, or of the multitude of Communist detractors who work against us day and night.

Against these assaults, some vicious but the greater part merely misinformed, we must have an adequate arsenal of informational weapons and defenses. These must not be improvised for the moment but must be available for every occasion and to meet with each situation according to its special needs. This is appropriately the function of the United States international information program. Surely, as a free people, we must guard the ramparts of the world's freedom by disseminating the truth—continually, effectively, and successfully.

The Members will recall that it was only a few weeks ago that the President sent to the Congress his proposal to make over the International Information Administration into an independent agency.

This proposal was greeted by many of us as a sure step in the right direction of placing our cold-war information machine on a solid basis.

Approximately 2 weeks before this new agency is to be launched, now comes a proposal from the Appropriations Committee that we liquidate half of this operation through budget cuts and limiting legislation which would force an across-the-board personnel slash in every unit of the existing agency and without regard to the effects on any unit's ability thereafter to function.

This is a crazy way to run a railroad, or an international information program. The need for an efficient United States information program has never been greater, yet just as soon as our new President moves to give us an improved operation, it is proposed by the committee that we deal it a crippling blow.

Many people have criticized the United States information program over recent months, but few have suggested that we abandon any part of the psychological and information field of the cold war to the Communists.

Yet, this is what the recommendations of the House committee virtually ask us to do.

A great deal has been said in this Chamber about communism and about those traitors and misguided souls in our own country who have rendered aid to the Communist cause. Yet I can think of nothing we might do at this particular moment which is worse than to close down half of our round-the-world information operation.

Why hand over to the aggressive Communist propagandists the eyes, ears, and minds of millions of persons in the free world? Why start to abandon the millions of captives within the Iron Curtain whose hope and courage may be derived from the truth we get through to them by radio and other means? Why throw away the United States taxpayers investment of millions of dollars in information facilities, carefully built up over a period of time, until today we operate an efficient propaganda outfit on a financial shoestring of sorts?

Just one example of the economic waste proposed by this shortsighted appropriation is in the broadcast facilities. The taxpayer has invested $35 million dollars to achieve transmitters strong enough to blanket the world in places where we need to possess a strong radio signal. Yet the proposed half-scale appropriation would put these facilities on a part-time operation.

It is as though General Motors were to spend millions developing a new factory and then, upon its completion, were to limit its output to a half or a third of its capacity. That would not be good business for General Motors. And it certainly is not good business for Uncle Sam in his information plants.

Before concluding, I wish to discuss the manner in which the IIA dealt with two recent and most important events.

IIA COVERAGE OF THE PURGE OF BERIA

The purge of Soviet Minister of Interior Lavrenti Beria, on July 9, gave IIA media a chance to present an accurate picture of the struggle for power taking place at the very core of the Soviet Empire. The Voice of America broadcast the news, background, and commentary in all languages. The press service carried the story to all missions for exploitation by USIS around the world.

The Voice flashed the news within minutes after the Moscow announcement and followed it with commentaries, congressional comment and interpretation by the American press, in all 41 languages. Broadcasts to the Russian people were repeated around the clock to penetrate the Soviet jamming.

IIA media emphasized the internal weakness of the Kremlin's so-called collective leadership and repeated earlier predictions that Stalin's death would bring on a bitter struggle between those who wield power in the Soviet Union.

Stories showed that no one can inherit Stalin's power by peaceful means and that Beria's purge marks the beginning, not the end, of this bitter struggle. This life and death struggle for power in the Kremlin was compared with the peaceful change of government from one party to another in democratic nations. The Voice related Beria's fall to the failure of the U. S. S. R.'s satellite policy as demonstrated by the widespread unrest and rioting in the Soviet satellite countries.

The press service provided new material daily to all USIS missions.

On Friday, in addition to the quotes from the Moscow announcement, the wireless service carried a column on the power struggle in the Kremlin, the text of statements by Dulles, Bidault, and Salisbury, United States congressional comment, and biographies of

Beria and his successor showing how both have been directly responsible for the deaths of untold numbers of persons.

A 400-word fast leaflet explaining how unrest in the satellites led to Beria's downfall was sent out.

On Saturday domestic editorial comment was sent by Signal Corps, and on Sunday the wireless file carried a wrap-up of United States editorial comment.

The wireless file and the Voice are continuing to carry comment and background to press daily. IIA output is raising questions designed to probe sore spots and weaknesses and to promote confusion and uncertainty among Communist rank and file, not only in the U. S. S. R. but also in the Soviet apparatus throughout the Soviet orbit.

IIA COVERAGE OF THE PRESIDENT'S OFFER OF FOOD TO EAST GERMANY

The President's offer of food to East Germany was broadcast by the Voice of America to all areas in all 41 languages. The story was played heavily, particularly to East German and European audiences. Commentaries sought to emphasize Soviet callousness in rejecting the offer which was made without strings and for humanitarian reasons.

News broadcasts, including the Soviet refusal of the offer, were factual. Conclusions were left to the listener. The Soviet refusal of food for their hungry subject peoples was contrasted with their own quick request for aid during the famine in the Soviet Union in the early twenties. At that time, too, the Voice pointed out, the United States sent food promptly and with no strings attached.

Following the Soviet refusal of the offer, the Voice broadcast heavily to East and free Germany the fact that despite the refusal, the United States had not taken the Kremlin answer as final. Voice broadcasts pointed out that just this spring East German Premier Otto Grotewohl asked the Soviet regime to stop the shipments of food from hungry East Germany to Russia.

By noon Monday over 20,000 words had been written by the VOA news desk for use in foreign language broadcasts. Included in this was cross reporting of world reaction. Special German language VOA commentaries were relayed over RIAS.

The IIA press service carried the story and background to all USIS missions abroad. On Friday the full texts of the Eisenhower-Adenauer exchange of the United States note to the Soviet Union and the White House announcement as well as a 500-word backgrounder on United States aid to Russia since the days of czars were sent to all areas. On Saturday the United States statement on the Soviet rejection of the United States offer was sent by Signal Corps transmission to major posts. A column on the food situation in East Germany, the United States offer, and Governor Stevenson's interview in Berlin on the subject were sent in the wireless file to all areas.

On Monday more stories, congressional comment, editorial roundups from United States newspapers, the statement by HICOG, the reaction in West Berlin to the Soviet refusal on the offer were sent out.

Mr. RILEY. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SIEMINSKI].

Mr. SIEMINSKI. Mr. Chairman, the first speech I made in the House as a freshman 3 years ago was in support of the Voice of America. I realized its value for good. I realized that this is essentially, as it has always been, a world in which ideas, properly used, have put man on the upward road. In the history of man's quest for the good life, especially after every war, people revert to the fireside, the plow, their industries and forget the rest of the world. I think that tendency is natural today and it is normal. But those who would hurt us are not natural or normal. They would give us no rest. What they say, belies what they do and the way they do it.

I rise at this time to stress two points, then I shall relinquish the balance of my time, and extend my remarks in the RECORD.

First, I was interested in the remarks of the gentleman from New York [Mr. COUDERT] about spending so much money with our allies. I do not think there is a business we can cite in America that does not spend a good portion of its sales promotion money in retaining its present customers. You do not let them slide away while you try to regain lost customers and win news ones. The implication I got from the gentleman from New York [Mr. COUDERT] was that we had them as friends, so do not spend so much money in retaining them as friends. If I am wrong there I would like to be corrected.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. SIEMINSKI. I yield to the gentleman from New York.

Mr. COUDERT. I take it that the gentleman is referring to countries, or at least including countries, in which American troops in large numbers are stationed permanently, in which American military aid is an annual contribution, to which the United States has been making economic contributions, which are partners of the United States under the NATO treaty, or otherwise; therefore, the gentleman takes the view that having supplied troops to defend them, arms to arm their troops, then to maintain their economy we must also spend money to tell the French and the British and the Australians and the New Zealanders what great guys we are?

Mr. SIEMINSKI. I would not say "what great guys we are." I would like to think of everything we do abroad as being for our own defense and for our own interest, that instead of having to defend off the shores of Bermuda and the island of Manhattan, we might get a little head start by being where we were not in 1914 and in 1941.

Second, I appeal to the publishers of America: wake up, and start fighting if you do not like the way your books are being handled. Our clergy is now aroused, fighting for the freedoms that are theirs under the Bill of Rights. Why must authors alone stand the brunt of defense? Where are their publishers? Are they not equally responsible? We have a very sacred thing in the freedom of speech and in the freedom of the press. The Government certainly has a right to purchase for its libraries whatever books it wants. Also to decline to purchase books that it does not want. This does not involve the abridgment of the press. To ban or condemn a book may come close to the abridgment of the press.

Mr. KERSTEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SIEMINSKI. I yield to the gentleman from Wisconsin.

Mr. KERSTEN of Wisconsin. Does the gentleman believe that books by Earl Browder or William Z. Foster should be in our public libraries abroad?

Mr. SIEMINSKI. You know, that is an interesting thing. In one of their books, printed in the early thirties, I am told, Public Housing is discussed favorably. I would like to have you today tell some of its backers, including members of the clergy, that public housing is communistic and should therefore be banned. There was an editorial yesterday about Thomas Jefferson. He wrote a letter to a friend of his in France and in effect said, "If there is a book you fear, list why you fear it."

Mr. KERSTEN of Wisconsin. Does not the gentleman feel that there is a distinction between such a book in a foreign library that criticizes America as compared with such a book being in the libraries of the United States?

Mr. SIEMINSKI. I will carry that answer in my extended remarks.

Mr. KERSTEN of Wisconsin. There is a distinction there.

Mr. SIEMINSKI. Suppose someone wanted to make a gift to our library and the State Department banned it, would you read the book because the State Department was opposed to it? That is a good question. I would like to know what the answer is.

Mr. Chairman, the point I am trying to bring forth today is that Communists have employed good ideas, beautiful language and the very finest principles to convey their unholy ideology and beguile people who in many cases are unsuspecting, into accepting their nefarious plots. They promise liberty, equality, democracy and abundance. All of these things are merely bait for the communist trap.

Are we to ban liberty, equality, freedom and democracy simply because the false prophets preach and write about them? Are we to cease our quest for abundance because the Communists also promise them?

To the Communists, these goods things are but a cloak to conceal their diabolical purposes. They are the veritable "whited sepulchres that appear pure on the outside while on the inside they are filled with dead men's bones."

If we abridge the press, we strike out the very foundation of our freedom. We destroy the Constitution which is the only bulwark that protects us from communism or some other form of tyranny.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. COUDERT].

Mr. COUDERT. First, Mr. Chairman, let me correct the RECORD with respect to the colloquy between the gentleman from Georgia and the gentleman from

Tennessee [Mr. PRIEST]. In their reference to radio messages to Germany in respect of the food just offered by the President to East Germany, they apparently overlooked the fact that the radio used in that case was radio RIAS in West Germany, the funds for which are not carried in this bill and which has nothing whatsoever to do with this bill. Now the gentleman from New York, my good friend and colleague [Mr. ROONEY] and the gentleman from Georgia [Mr. PRESTON], make much of the fact, first, that the Republicans on this subcommittee are out to destroy the Voice of America so that it will not reach the enslaved peoples. Well, now, let me correct that very simply by calling to the attention of the committee a few figures. Eighty-seven million dollars was asked for by the Eisenhower administration for those activities. Of the $87 million, somewhere between twenty-five and thirty million dollars, that is, between a quarter and a third, is intended for use in fully independent, self-sustaining, and equal partners of ours in NATO. Belgium is to get $643,000. France is to get $6,500,000. The Netherlands is to get $934,000. New Zealand—just think of this, Mr. Chairman—New Zealand there is $161,000 for propaganda in New Zealand, of all places. Four hundred and fifteen thousand dollars for Australia. The United Kingdom, one of the hearts of the NATO alliance in Europe, is down for $1,655,000 for American propaganda, perhaps to tell the people what to tell their governments to do. So much for that. That leaves two-thirds of the budget, at least two-thirds of the budget, for propaganda to reach the people behind the Iron Curtain and in the border areas like the Near East and the Far East.

There is one other point that I think is of the utmost importance. These gentlemen have said that we on the Republican side are out to destroy the Voice of America because we do not think it accomplishes anything. May I call the attention of my friends on the other side to the real source of the view that would destroy the Voice of America because radio is not worth anything and accomplishes nothing.

Mind you, in these requests only $20 million or thereabouts for radio is asked. There is enough money in the 60 million granted to spend $20 million for radio.

The minority whip, the gentleman from Massachusetts [Mr. MCCORMACK], speaking in the House the other day on this subject of propaganda, said:

> This is a battle that cannot be won by radio propaganda, telling others how good we think we are. It can be won only by example. We must demonstrate that we say what we mean and that we mean what we say.

Mr. Chairman, if there is anybody in this House that has advocated the destruction of the Voice of America, the elimination of our radio propaganda, it is the minority whip, the distinguished gentleman from Massachusetts, and not the Republican members of this subcommittee, who are allowing $60 million for a program that in my judgment could be done for much less, if confined to the essential and useful parts.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, it has been a pleasure to serve on the subcommittee of State, Justice, and Commerce under the very able leadership of my distinguished colleague from Ohio, Mr. CLIFF CLEVENGER.

The arduous task which confronts all subcommittees of the Appropriations Committee has been lightened by the cooperation and teamwork demonstrated by the minority and the majority members of our committee. Although we do not always find an area of agreement, nevertheless it is apparent at all times that the interest and the welfare of the Nation is paramount.

Our chairman, the gentleman from Ohio [Mr. CLEVENGER], has for many years strongly and capably brought to the attention of the Congress the unproductive activities of the Voice of America. For some time he was a voice in the wilderness, but in recent years his wisdom has been recognized and his efforts have saved millions of dollars for the American taxpayers. Other committees of Congress have benefited by his disclosures and have capitalized on his revelations.

Today, Mr. Chairman, I should like to bring to the attention of the committee some of the reasons why the majority of your subcommittee feel that the cuts made on this budget are justified and why further efforts must be made to correct what has obviously been a waste of the taxpayers' precious dollars.

I believe in an information program. I believe the foreign policy of our Nation can be strengthened by a proper and realistic approach to this important function of Government. Undoubtedly the free nations of the world can be strengthened and the oppressed behind the Iron Curtain encouraged, but I submit to my colleagues we have failed in the goal, or at least, not fully accomplished the potential by the present operations of the international information and educational activities.

Time will not permit a full evaluation of the program, nor a disclosure of many of the patent errors. I shall but touch on the high spots, or perhaps it would be better to say the low spots of the program.

It must be borne in mind that the House appropriated $60 million for salaries and expense for the entire operation of the State Department, exclusive of the Voice of America. The budget request for the International Information and Educational Activities under the Truman budget was $114,515,000. Your subcommittee by a majority of the committee has recommended $60 million. Or, in other words, we have recommended for the activities of this Information Service the same amount that has been recommended to completely operate the State Department, with salaries and expenses, and man their posts throughout the world, and to carry on the foreign policy of this Nation.

It seems to me that when we are dealing with $60 million, and we hear some of the gentlemen on the right speak of this bill, that one would think $60 million was nothing. That has been the philosophy for some time. But the American people have come to consider that $60 million is a great deal of money, and I think it is about time that this Congress came to consider it as a great deal of money also, and to demand a justification of an expenditure of that amount. What is the justification that was submitted to us? I am sure you will all remember the slogan of the recruiters of the United States Navy, "Join the Navy and see the world." That could very well be the slogan of the Information Service, "Join the Information Service and see the world." Not through reports filed on their desks, but by actual travel throughout the world by many, many members of that Information Service. We have a great number of branches and activities of this Information Department, but I should like to confine myself for just a moment to the film libraries.

In August of last year, the motion-picture service sent a number of people "To attend meetings of film officers in Kyrenia to discuss the effectiveness of our overall program plans and film evaluation activities, and to consult with embassy officials on the effectiveness of the program films and establishment of a review of programs to evaluate such effectiveness."

Let me give you just a brief idea of one trip, one evaluation trip, and there were many of them. Here is the travel for the Voice of America or the Information Service last year. I wish you would examine it because there is trip after trip around the world, trips to all places in the world simply to go where a letter could have done as well from the ambassador to Washington, but instead someone was set out to get it. Here is just this one trip of last August.

I should like to read briefly from the record:

> Here is Mr. Ralph G. Price, who left Washington and went to Paris, Rome, Athens, Nicosia, Ankara, Istanbul, Basra, Karachi, Calcutta, Rangoon, Bangkok, Hong Kong, Manila, Okinawa, Tokyo, Pusan, and Honolulu.
>
> I won't read all of them, where they have gone, but they have all been made for the same reason; they have gone over there to evaluate this program and discuss it with Embassy officials.
>
> Mr. Stearns went to Rome, Athens, Cyprus, and Ankara.
>
> Mr. Remington went to Rome and Cyprus; I assume to do the same thing.
>
> Mr. Faichney went to Rome, Italy; Athens, Greece; Nicosia, Cyprus; Beirut, Lebanon; Istanbul, Turkey; Athens, Greece; Rome, Italy; Nice, France, and Paris, France, for the same purpose—the same justification for the travel.
>
> Elizabeth McFadden went to London, Beirut, Cyprus, Ankara, Rome, and Paris.
>
> Mr. Edwards went to London, Beirut, Cyprus, Rome and Paris.
>
> Becky Sanford went to London, Beirut, Cyprus, Ankara and Istanbul.
>
> Mr. Guarco went to Paris and Rome for the same purpose.
>
> Mr. Willis Warren went to Tokyo, Manila, Hong Kong, Saigon, Sangapore, Bangkok, Pakistan, Beirut, Istanbul, Athens, Hamburg, Bonn, Frankfurt, Copenhagen, and Paris for the same purpose—the same justification.

Mr. Edwards took another trip about the same time to attend a conference, to attend in Paris a meeting of film officers from European countries and to consult with officials in Germany and Austria on motion-picture operations. He went to Paris, Bonn, Munich, and Vienna.

William Bacher went to Paris, Rome, Beirut, Cairo, Damascus, Istanbul, Ankara, Karachi, New Delhi, Calcutta, Bombay, Madras, Rangoon, Burma, Singapore, Hong Kong, Manila, San Francisco, and Los Angeles.

Virginia Krog went to Paris for the same purpose.

I have a list, and I call your attention to the record here. I wish you would read it and see the number of people who went around the world for the evaluation of the film program of the Information Service.

This is but a sample. I have shown you the record. Let me give you another example.

This is but a sample, my colleagues. I hold in my hand a record of all travel last year. You will note that it is larger than a Sears, Roebuck catalog. I wish you would examine it for yourselves.

Offices have been maintained in Washington and New York. I have requested a breakdown of the travel between these two points for the last fiscal year. You will be interested to know that 2,157 trips were made between Washington and New York, and vice versa, consuming a total of 20.9 man-years, at a total cost of $122,391. There is an estimate now for the trips for the present fiscal year of a total of 1,557 trips, with 14.8 man-years, at a cost of $86,486.

Employees were sent from New York to do jobs in Washington and Washington employees did similar work in New York. A duplication of effort was noticeable in all operations. In one instance we found a photographer being sent to Europe to take pictures for a story and we had writers and photographers in Europe who admittedly could have handled the same assignment.

These are matters which, perhaps, the Budget Bureau did not have before them when they made the recommendation that has been referred to. In their justification for a large appropriation for films they refer to what they had titled "Progressive Taxation." We were interested to know why a program of "progressive taxation" would be of great interest in cementing the friendship of this Nation with the nations either behind the Iron Curtain or our friends, such as New Zealand or Australia, and the other countries that have been referred to.

The subject was Progressive Taxation. We asked them whether they had consulted the Ways and Means Committee of the House on the question of progressive taxation for a program showing the taxation of this Nation; whether they had talked to any Members of the House or of the Senate. In fact, we suggested to them that if they had a pretty good plan for taxation that they might bring it up here and show it to the Members of Congress, because we were at that time concerned about tax matters.

But we found that they had not consulted the Government in building up this program to show the world something about American taxation, but they had gone to Encyclopedia Britannica Film Co. The Encyclopedia Britannica Film Co. wrote the script for the Voice of America that was to tell the world the story of progressive taxation here in the United States.

I will say to my colleagues that it was an expensive venture. We asked for a copy of the script. When it came up to us it was the regular mimeographed script, but written in pencil on it was the word "rejected." They were asking for funds, in making their justification, on the basis of this script, but when the committee looked at it, when it was submitted to the committee, it was marked "rejected." I think it was rejected between the time that we asked for the script and the time that it got up here to the Hill.

On the question of what we are doing to take the true story of this country behind the Iron Curtain or to our friends around the world, they want us to appropriate millions and millions of dollars for this kind of program; and may I read to you just one or two brief excerpts from what they wanted us to permit them to tell these people.

Here is the script of Progressive Taxation. I am reading from the script, and the Members can find it in the RECORD. I thought it of enough interest that I asked the chairman to include it in the RECORD:

> We think of yesterday in terms of regret * * * only yesterday we say to ourselves * * * the skies were bluer * * * the land fairer * * * the air clearer and sweeter * * * only yesterday.

I know how much that would mean to cement the relations of this country with our friends and break down the Iron Curtain.

And further, we would say to them in these films:

> The grass had a special green * * * there were more trees * * * people were kinder and taller, inclined to be generous and noble.
>
> And life seemed fuller and more luxurious and filled with a great promise of things to come—

And on and on. I should like the Members to read it and see whether they want the tax dollars of our people to go for that kind of material, to try to sell the people behind the Iron Curtain on life here in America. Do you think it is important for us to send this throughout the world? Do you think it is important for us to send throughout the world films on the penitentiary system in this country? That is what they have been showing. Are we to tell the people of the world how we treat the criminals in the United States? Is that good propaganda? Should our tax dollars be used for that purpose?

Of great importance they say is one of the films that has been shown all over the world How To Swim Better. Look at the record and see the list of subjects that has been covered. Is it important to our foreign policy that we send to these people a film to tell them how they can swim better? That is almost as ridiculous as bringing the biscuit bakers from London over here for them to learn how to bake biscuits in the United States.

One further matter—and I think this is serious and should be given careful consideration by this House before any attempt is made to increase this amount. When this program proves that it is effective, that they are doing a realistic and objective job, I am convinced that they will have no trouble with appropriations in this House. But year after year this same kind of program comes up to us and the same answer is given to us, "We will do better next year."

Korea is an important place, and we are all interested in it. They asked for some additional mobile units, a screen and a projector, to show films in Korea. We asked them what they were showing in Korea and what they were doing there. They told us that they had films to show the Korean people, to tell the Korean people why we had troops in Korea.

We made inquiry of them: "What are you showing them? What are you telling the people in Korea for which you spent over $2 million last year on this one program?"

What has been the story? They did not answer directly, but we kept after them on that score and when we finally got them to answer they said that in substance they were telling the people of Korea that we were going to drive the Communists out, that we were going to unify Korea, that we were going to give them a stable government.

Then we asked them what they were telling them this year, and they finally admitted that what they would have to tell them this year was an apology, an excuse as to why we did not do for them what we told them last year we would do.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. COON].

Mr. COON. Mr. Chairman, here are a few facts about the motion-picture service of the International Information Administration.

According to the statement of the IIA, the motion-picture service helps to educate people abroad; first, because of the message that these pictures contain; and second, because of the drawing power of the pictures, which produces an audience that will then listen to the speaker, or be reached by some other means.

The moving pictures used in this program are mainly 16 millimeter, nontheatrical documentary films. A good share of these films are shown in outlying areas where there are no newspapers or movies, and radios are scarce. According to the IIA, in a lot of these areas the pictures are the only contact the people have with the outside world. The pictures are shown from mobile motion-picture projection trucks.

The motion-picture service had 355 mobile moving-picture projection units operating in 1953; 109 of these units were in the Far East, 67 of them in Europe, 118 were used in the Near East, and 61 in Mexico, Central, and South America.

That is the general outline of what the motion-picture service does, as presented to us by that activity. It is up to us to decide how much this service and the IIA, of which it is a part, should spend in the year to come.

This decision raises two questions: The first question is whether the job these people are trying to do is an important one. The second question is whether these people are doing the job.

I do not think that many of us would doubt the need for the United States to get its story told to the world. Experience has shown that if we do not tell our story our way, someone else will try to tell it another way.

But while there is not much doubt as to whether there is a need for such a program as this, there is some doubt as to whether this program is doing the job it ought to do.

I want to say that I certainly do not claim to be an expert on the subject of motion pictures or radio programs. I do not imagine many of my colleagues here are experts, either. But even though you need to be an expert to produce a motion picture or a radio program, I do not believe you need to be an expert to judge its results.

Judged in terms of results, the IIA program has been disappointing.

I have heard several reports that the quality of the motion pictures in overseas libraries is not as good as it could be—and should be. There has been plenty of comment that the Voice of America just is not high enough quality radio to attract and influence its listeners.

I understand that each year the international information program has come to the Congress with glowing promises of what it is going to do, and each year has not paid off on these promises.

I was surprised also to hear that the motion-picture program had more mobile propaganda units in Korea last year than in any other country in the world. Of the 109 units in the Far East, 28 of them were in Korea. We have spent billions of dollars and thousands of lives to fight a war in Korea. Is not that about enough?

I recognize that this program has probably done some good. And I can appreciate that there is apt to be more experimentation and waste in such a program than in other fields of work.

But the program has not done enough good or done it efficiently enough, or there would not be as much criticism as we have heard. And if experiments have to be conducted, they can often be conducted on a small, pilot basis. This limits the cost.

I can easily understand how those who run this program might find my attitude demanding. But we have to be demanding. We are accountable to the people. And if this program will make a clear-cut showing of clean, businesslike operation, and will demonstrate that it knows how to pinpoint its objectives and then reach them, I think it will find more support for its efforts.

To sum it up, I think the time has come for this information program to produce. I think this job should be done well or not at all. It is up to the motion picture service, along with the whole information program, to prove to the Congress and to the people that it has the right to survive.

I believe that during the coming year it will be better for the program to do a few jobs and do them well, than to do too many jobs, and fail to make a clear-cut showing of success.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I shall confine my presentation to chapter VII of the supplemental bill which deals with military construction funds for the Air Force, fiscal year 1954. I want to reiterate what I said at the time the civil functions portion of our committee work was before the House that it has been a pleasure to have a group of men working on the subcommittee who have so studiously applied themselves to the work which was before us and who have shown a very practical approach to the problems that did confront us. I suppose it is fair to say that no Member of the Congress, at least no Member of the House of Representatives, is better qualified to furnish the House with information on the military construction problem than is the gentleman from South Carolina [Mr. RILEY] who last year headed the military construction subcommittee. I point to the report which was issued by the Riley subcommittee in reference to investigation of military construction and also the report of that subcommittee on the Moroccan construction as being the most informative and the most factual reports that have been made available to the Congress on the overall construction problem and on the particular problem of our air base construction program in French North Africa.

The request that came before our subcommittee originally was in the amount of $700 million. In the revision which took place in the early part of this year that amount was reduced to $400 million. The action of our subcommittee was to permit the use of $240,776,000, all of it, however, to be derived from previously appropriated but unobilgated funds, so that no new money is included in this bill. In addition to this money approximately $1.5 billion from previously appropriated funds remains available for obligation and may be used for obligation on previously funded projects. The $240,776,000 is divided into $68,289,000 for Air Force construction in continental United States and $172,487,000 for Air Force construction outside continental United States.

Mr. LANTAFF. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Florida.

Mr. LANTAFF. In connection with the allocation of funds which the gentleman has just mentioned, I notice on page 32 of the report the statement:

> The committee has denied estimates in their entirety for bases on which construction under the present program has not been initiated or has been seriously delayed. These bases are as follows.

They are enumerated and among them is the Homestead Air Force Base. Am I correct in my understanding that the reason that new funds were denied was the fact that there has already been programed for expenditure at the base during fiscal 1954 in excess of $15 million?

Mr. DAVIS of Wisconsin. Homestead is to be built up as a permanent base. Past appropriations in excess of $15 million have been made for this installation. Of that amount less than $100,000 has been obligated as of May 31. This particular site fits very clearly within the terms of the statements that we have deleted funds for a number of places where construction has not been initiated, or seriously delayed.

Mr. LANTAFF. In other words, the base remains authorized and the Air Force is authorized to expend previously unobligated but appropriated funds amounting to about $15 million.

Mr. DAVIS of Wisconsin. That is correct.

Mr. LANTAFF. I thank the gentleman.

Mr. DAVIS of Wisconsin. I would like to call your attention to page 26 of the committee report where it is shown in the table that the Air Force had approximately $1.8 billion of unobligated funds for construction on the 31st of May of this year. Our best estimate for the beginning of fiscal 1954 is about $1.6 billion. Last year on our subcommittee we were confronted with a very difficult situation. The Air Force came in with a request for $1.5 billion for construction. The time was late and the justifications hardly were in shape so that we could act intelligently on this huge request in the time that was allotted to us if we were to make an attempt to go through the base-by-base and line-item-by-line-item justifications. What the subcommittee finally did was to recommend $1.2 billion on a grid basis. In other words, so much money was allotted for each of the various commands and the purposes were divided into various categories; lump sums were provided within those various spaces on the grid. As of the 31st of May of this year only about one-fourth of the money which was appropriated last year had been obligated. Some of that was due, of course, to the review which took place in the early part of this calendar year, but even if there had been no such review it was equally clear that the Air Force could not have obligated the funds which has been appropriated—the reallotment and the reprograming and the reapportioning of funds which has been the plague of Air Force construction programs. This great delay takes place from the time that Congress has appropriated money until the money is actually let by contract and put into practical use by the Air Force. This year we have attempted to be very definite in telling the Air Force how the money that we are allowing them is to be used. If you will read the report, you will find an explanation of every reduction that was made by our subcommittee. Some of the material in our justification is classified and therefore it cannot be made part of the public record. If any of you have any questions about any individual installations, we can show you a page of the justifications, refer you to the report, and I believe that you will be able to very clearly find the answers to the questions that you may have. I think you may be able to find and the Air Force will be able to find exactly where that money is to be used. That should put an end to all of this reprograming and reapportioning and reallotting that has been the cause for so much delay in the use of money in the previous appropriations for the Air Force construction program. If you will turn to pages 30 and 31 of the report, you

will see a definite allotment of funds for each of the installations which are included in this program of military construction within the zone of the interior.

Obviously, due to security restrictions, we could not provide that detail with respect to installations overseas. In order that the Air Force may be completely informed a classified letter has gone to the Secretary of the Air Force giving detailed instructions as to the uses to be made of the money that is recommended by the committee.

There were phases of the overseas construction program that do require comment. The first of those was the request for $14,622,000 for the construction program in French Morocco. We were told from the beginning that this was to be a $300 million program for 5 bases and the necessary support facilities. As of the time of our hearings, $334 million had been appropriated and 2 of those 5 bases had not yet been started. Over $250 million of the appropriated money had already been obligated. Still the representatives of the Air Force continued to talk in terms of a $300 million program. That could be done only if many of the facilities for which funds had already been obligated were to be deleted and the entire Moroccan base complex was to be reprogramed all over again.

We hesitated a great deal before making the decision we finally did, and that decision was to specifically direct the Air Force to obligate no funds for 2 of the bases that they had planned for French Morocco. Perhaps this is a strategic decision, that it ought not to be the responsibility of this subcommittee to make, but there has been much indecision and those who should have made the decision long ago have refused to undertake the responsibility, so we had to make this interim decision until such time as we could find out from those in the executive branch, who are in positions of authority, what they plan to build and where they plan to build it on the various sites in French Morocco.

One of the things that caused us a great deal of heartsickness in the course of our hearings was the testimony with respect to the repair program on the two bases, at Nouasseur and at Sidi Slimane. There we had the consistent testimony of the people who should have known the most about this construction program, last September, that this program of repair and corrective work, could be completed for less than $2 million. We had the testimony of the Chief of Engineers, General Pick. We had the testimony of General Hardin, the Assistant Chief of Engineers for military construction; of General Walsh, the division engineer for the Mediterranean division; of John B. Bonny, representing the Atlas Constructors, this huge combine of 5 large construction firms charged with the responsibility for the work in that area; and of Mrs. S. J. Porter, representing PUSAN, the architectural firm responsible there. I am going to place in the RECORD the testimony that was given at that time, in which every one of them staked his professional reputation on the fact that this work would not cost more than $2 million in out-of-pocket money.

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Mr. RILEY. I want to pin down this $2 million figure. Is that a realistic maximum figure, in your opinion, General Hardin, or are you prepared to say?

General HARDIN. Yes, I am satisfied, with all the information that is available to us, that I do not anticipate any more disturbing information than what we have had given to us. With all the time that went into it and the conferences that were held in arriving at it, I feel that it is a satisfactory estimate.

Mr. RILEY. General Walsh, do you agree with it?

General WALSH. I do.

Mr. RILEY. Mr. Porter?

Mr. PORTER. I do.

Mr. RILEY. Mr. Bonny, does anyone in your organization agree with it?

Mr. BONNY. We have already agreed.

Mr. RILEY. And that is the opinion of everybody who has made a thorough examination and investigation of it?

Mr. BONNY. Yes.

Mr. RILEY. I do not see how we can do much better than that.

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Mr. RILEY. The point on which I wanted to get everybody's opinion is this—and if you want to change your mind, now is the time to do it. When I go to Congress and tell them that it is going to cost a maximum of $2 million to repair this job, I want to know that I am on firm ground.

General PICK. Mr. Chairman, I had not heard that $2 million figure. I thought the maximum figure that was developed by Mr. Porter and Mr. Phillips was $1,800,000.

Mr. DAVIS. Are you also satisfied that this figure of $2 million that we have been using here is an outside figure for bringing both of those bases up to specifications?

Mr. PORTER. I do, sir, based on the out-of-pocket cost.

Mr. DAVIS. You have already staked your professional reputation on agreement with this, have you not, General Pick?

General PICK. Sir?

Mr. DAVIS. You have already staked your professional reputation on agreement with this; have you not?

General PICK. Yes, sir. When I was over in north Africa, I had all the talent that you see here and some more, and I went over the test data very thoroughly before going over there. Then, after getting over there, I went out on the ground and I saw some of these depression areas.

The testimony we had this year was just as definite and just as conclusive that it would cost substantially more than that.

With respect to the NATO bases, which are bases we are building up to our requirements in the countries of the North Atlantic Treaty Organization, it should be made clear that in accordance with the standards that we are now building up those bases, this country is spending about one and one-half times as much to build the bases up to our standards as the NATO organization is spending to build what they consider to be a primary or usable facility. Of course, we are paying about 40 percent of that original amount so that every time we build a base under the North Atlantic Treaty Organization, this country is shelling out between 75 and 80 percent of the entire cost of each of those installations. We have denied funds in this bill for any such bases where the site had not definitely been fixed. We did the same thing with respect to funds which were requested for a certain number of bases in countries where agreements had not yet been made with the governments of those countries as to the construction of bases there. We took those actions with respect to new NATO bases and bases in countries where agreements had not been fixed because of the experience we have had particularly in French territory of finding ourselves at a serious disadvantage in an attempt to work out a firm agreement once we went ahead and moved in and started our construction before any such agreement had been reached. We were definitely at a disadvantage and it has cost us additional funds because of that situation.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield.

Mr. HOFFMAN of Michigan. Do they keep the agreements after they make them? What has the gentleman found as to that situation?

Mr. DAVIS of Wisconsin. For the most part, I would say they probably have although I am not sure just what the firm agreement with respect to the French Government is as of this date.

In summary, let me say that our subcommittee had no desire to hamper or interfere with an orderly Air Force construction program, but it is our desire to be presented with a showing that those in charge of our Air Force construction are now capable of proceeding on a definite program during the 1954 fiscal year. As I said, we did not permit them any new funds, but we did make two pledges to them, and those pledges are set forth in our report. We stand ready on short notice to come here to Washington and hold such hearings as may be necessary in order to permit them to transfer funds from one place to another so that their program can go forward. We made them a second pledge that we will entertain their request and give consideration to a request for new funds or for additional funds in January if they can show us a record of performance in the intervening time.

One more thing, Mr. Chairman, and I shall close. Some of you may have a question as to what the relationship of these funds is to the authorization bill now pending before the Committee on Armed Services. A number of you have received mimeographed sheets telling about this program because there may be some requests for money in your district. As outlined by the Department, the terms of that request to the Committee on Armed Services are that they can request these funds only within the limit of actual appropriated funds now available. In other words, they were told they could go to the Committee on Armed Services and get permission to transfer authorizations and funds from one place to another. In other words, it was giving them a chance to fix a priority among the various bases and installations that they had previously authorized, and on some of which they had funds now available, and newly determined needs of the Department.

Mr. DEVEREUX. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Maryland.

Mr. DEVEREUX. Is there any provision in this appropriation bill which restricts the transfer of money allowed for upkeep and maintenance, to new construction? I do not know whether the gentleman is aware of it, but it has come to my attention that at Orlando Base, the Air Force is now building up quite a moving picture production unit, completely in competition with the one existing at Long Island, which is being operated by the Signal Corps. I am not in a position to substantiate this, and I do not know whether the matter came before the gentlemen's committee or not, but apparently funds which are being used to build up that motion-picture industry have come from maintenance funds, not construction funds allowed by the Congress.

Mr. DAVIS of Wisconsin. This item is not contained in the present estimate before the committee. It is properly a part of the military functions bill recently passed by the House. I am not personally familiar with that situation, but if the gentleman will furnish me with a memorandum on it, I assure him that I shall get the available information and make him a report on it.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield.

Mr. HOFFMAN of Michigan. Permit me, as a member of the Committee on Government Operations which, over a long period of time has received complaints and attempted to make investigations of waste in connection with all of the Government agencies, to compliment the gentleman on the very helpful statement that he has made.

Mr. DAVIS of Wisconsin. I thank the gentleman.

Mr. RILEY. Mr. Chairman, in January of 1952 the distinguished gentleman from Missouri, the former chairman of the Appropriations Committee and now the ranking minority member [Mr. CANNON], realizing that we were not receiving value for the money appropriated in various construction projects, set up a separate military construction subcommittee of the Committee on Appropriations.

The distinguished gentleman from New York [Mr. TABER], the present chairman of the Appropriations Committee, on assuming the chairmanship this year continued that subcommittee. For a year and a half this subcommittee has studied the military public works program with a view of obtaining, if possible, a better administration of that program.

The committee has undertaken its work on a bipartisan basis. The personnel of the committee are as capable and as sincere as any with whom I have worked.

The gentleman from Wisconsin [Mr. DAVIS], who is the present chairman of the subcommittee, has been on the committee with me for all of the year and a half. He has given unstintingly of his time and worked as diligently last year as he has this year as chairman of that committee.

The committee has had an excellent staff personnel, both last year and this year. We believe that considerable progress has been made in obtaining a more realistic construction program in all three of the armed services as a result of the formation of this subcommittee.

The committee feels, however, that further progress is necessary before a satisfactory program is achieved. The committee has been greatly concerned, as the chairman of the subcommittee has just told you, over the fact that vast sums of money have been appropriated before firm decisions have been made for their use and before adequate planning has been completed so that these projects could go to market.

Considerable progress has been made during the past year toward reaching the objective of a realistic program. The Director of Installations, an office created and requested by the Congress, has worked hard and we believe has contributed greatly toward the firming up of the program.

In order to eliminate the weaknesses in the program which the committee felt existed, planning money has been made available to the armed services so that a firmer program and a better prepared program could be submitted to the committee. However, the Committee of the Whole will observe by reference to page 26 of the committee report that vast sums of unobligated moneys are in the hands of the Air Force, which is the only one of the services to have requests to be considered here today. The committee is informed that the other two services, the Navy and the Army, have sufficient funds to continue for the next fiscal year their programs on the austerity basis which Congress has demanded. The appropriations bill which your subcommittee is submitting to you for your consideration today is an appropriation without new money. It is a reallocation of moneys already appropriated. This situation has been brought about through several reasons. One as I stated above has been the inadequate planning and programing in previous years. Another has been the decision by the Department of Defense to have an interim Air Force of 120 wings instead of the previously designated Air Force of 143 wings. Each time a major policy change has been made, it has been necessary to reprogram and revise the construction program, thus delaying actual construction.

By reference to page 26 of the committee report you will note that as of May 31, 1953, there were unobligated balances of approximately $1,800,000,000. According to conservative estimates the Air Force would have on hand as of June 30 of this year approximately $1,600,000,000. During the first 7 months of last year the Air Force was able to obligate slightly in excess of $121 million a month. After the delay and change of policy in February of this year, the construction funds going to market have been considerably less than this. The committee believes, however, that with the better planning now in the Department of the Air Force that about one hundred and forty to one hundred and fifty million dollars a month can be used judiciously in the construction program of the Air Force. In other words it appears to the committee that the Air Force has on hand unobligated construction funds of as much money as they can well use for the next 8 or 10 months. In addition to the money referred to in this bill the Air Force will have on hand approximately $1,500,000,000 from previously appropriated funds which may be used for obligation on previously funded projects. The committee wishes to make it perfectly clear that if the Air Force is able to obtain better results than the committee has estimated and show that they are obtaining good values for the money that they are spending and that they have need of additional funds to adequately take care of their needs to provide for the security of the United States, this subcommittee will gladly meet at the call of the chairman, either before the convening of the second session of this Congress, or in the early days of the second session of this Congress to give consideration to any practical and realistic proposals that the Air Force cares to submit. The committee feels very keenly, however, that when construction proposals are submitted to it for appropriations that a firm decision should have been made as to where the money requested is used and that adequate plans and estimates should be in hand so that the committee can obtain a clear idea as to where the money is to be spent, what it is to be spent for, and a realistic estimate of the cost of the project submitted. The committee also feels that there should be a decrease in the time when the appropriations are made and the money actually used. This Congress has gone on record as desiring greater control over the purse strings of the Nation. Certainly one way for Congress to control the expenditures for military construction is to close the gap between the period of appropriations and the actual use of the money. The committee is gratified that so-called cost-plus-fixed-fee contracts have been largely eliminated and that no contracts are now being given by this method involving more than $25,000 without confirmation in writing from the Secretary of Defense.

The committee is gratified that great progress has been made in providing more or less standard plans for building on military bases which are repetitive in type. The committee advocates the the use of the most practical materials in the areas in which such buildings are to be constructed and modifications to suit the topography and the weather conditions. However, the committee can see no good reasons for any great differences in design or area of buildings used for similar purposes, on the various bases.

Certain requests have been made for overseas construction bases. According to testimony before the committee some of the locations on which it is proposed to build these bases have not been agreed upon, and there are no definite treaties or agreements in regard to these locations. It is the opinion of the committee that they should not make appropriations where definite agreements are not in existence. The experiences of the committee in this regard in some other areas have not been a happy one. When and if these agreements are made and

proper presentations are made, this subcommittee will be glad to meet and give consideration to the requests and recommendations of the Defense Department.

The construction of the overseas bases in French Morocco are still giving concern to the committee. This program got off to a bad start and has never been fully brought into line. The committee has requested certain additional information which it hopes to obtain in the near future and after obtaining this information it will be glad to give further consideration to the requests in this area. The committee feels, however, that the funds which are available for construction in this area should be used on work which has already been started before obligations and contracts are made to start work on the two bases which are not yet under construction. This committee is not setting itself up as a board of strategy by saying what is needed or what is not needed in the way of a defense program in this region, but the committee is deeply concerned in obtaining practical construction results on projects which have been approved by the Defense Department. It feels that it is unwise to begin new construction unless definite plans have been made and line item estimates for necessary operational facilities have been submitted with realistic cost estimates for the committee to consider.

The committee believes that it is presenting to this Committee of the Whole a sound program and I hope the Committee will approve the recommendations of its Appropriations Committee.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise to ask the chairman of the committee why the civil defense was cut from the suggested $150 million for civil defense down to $37 million by the Committee on Appropriations?

I visited the tornado stricken area in Massachusetts and saw the terrible damage there and the suffering. I noted the great help that the civil defense rendered. First, the able Deputy Administrator of Civil Defense, Mrs. Charles Howard, visited the disaster area, later on Mr. Val Peterson. I was there 36 hours after the tornado myself and was amazed at the accomplishments of the civil defense organization. I noted their orderly procedure and their cooperation with all groups in the cities assisted. Not to have the American public, American families, notified as to what to do in case of an atomic bombing attack, for instance, seems to me to be very unfortunate. Not to have the medical supplies would be a tragedy. I was wondering why the Committee on Appropriations made such a cut in Civil Defense appropriations.

Mr. DAVIS of Wisconsin. I would say to the gentlewoman from Massachusetts that this matter was quite fully gone into by the chairman of the committee, the gentleman from New York [Mr. TABER] in his opening remarks. There was a revised budget submitted by the present administration which took out some of the funds previously requested which were in the $112 million original request, which accounts for some of the reduction. The committee then proceeded to make a number of reductions, and I can say from my own recollection that that was in accordance with the overwhelming sentiment of all members of the subcommittee who did participate in the mark-up session.

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

Mr. RILEY. Mr. Chairman, I have no further requests for time.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. CURTIS].

Mr. CURTIS of Massachusetts. Mr. Chairman, I would like to pursue a little further the question of this Federal Civil Defense Administration budget and ask the gentleman from Wisconsin whether or not it is a fact that the so-called Eisenhower budget contained $125 million for this agency, and that amount has been reduced by your committee to $37 million?

Mr. DAVIS of Wisconsin. I believe that is correct. But, a major portion of it can be attributed to the very large balance that was left over in the purchase of certain stockpiling supplies and the fact that large request was made there that appeared to be beyond the physical capabilities of those charged with the program to obtain those stockpiling supplies.

Mr. DEVEREUX. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from Maryland.

Mr. DEVEREUX. In that connection, when I asked the gentleman from New York [Mr. TABER] that very question, it was brought out that all of the funds had actually been committed, and the only reason they had not been received by Civil Defense is that they did not have the warehousing facilities to take care of them; they were simply waiting for the warehouing facilities, and just as soon as Civil Defense could say that they had the facilities to take care of those purchased items, that they would obtain an increase in the fund.

Mr. CURTIS of Massachusetts. I thank the gentleman. I have another question. Is it not a fact that the administration of disaster relief has by Executive order been committed to the Federal Civil Defense Administration? I ask that having in mind that we recently had a tornado disaster in Massachusetts and that the Federal Civil Defense Administration gave a mighty fine account of itself.

Mr. DAVIS of Wisconsin. That is correct. According to a recent order that has been transferred, but the disaster relief funds, however, previously appropriated, when it was handled by another administrative means, are not included in this appropriation for Civil Defense.

Mr. CURTIS of Massachusetts. One more question. I refer to page 41 of the committee report under the item of "Federal contributions." You have given money for attack warning installations, some $3 million. Then follow items for communications, medical supplies and training. Is it not a fact that there are certain other items that might be listed there except for the fact that there would be a goose egg alongside of them, namely, the amount of zero? I refer to items that were requested for welfare services, public-safety services, medical services, and to the fact that those funds have been eliminated without any reasons being given in the report. The result will be, will it not, that no Federal funds will be available to the States to assist them in securing such items of disaster equipment as cots, blankets, fire-fighting apparatus, and other things of that nature?

Mr. DAVIS of Wisconsin. That is true with respect to some of them. When you mention "medical," however, the report definitely does provide funds for matching for that purpose, and that is in addition to the strictly Federal program which runs into millions of dollars for stockpiling for that purpose.

As to the fire-fighting equipment, there were communities throughout the entire Nation that had some pretty big dreams of getting Uncle Sam to help them build up their fire-engine supply. The committee did not approve of those dreams and did not provide any money for that purpose.

Mr. CURTIS of Massachusetts. I suggest to the gentleman that some of us are pretty tough on Federal contributions for various things we believe should be within the jurisdiction of the States. But would not the gentleman agree that emergency fire-fighting equipment to be used in a war emergency is a necessary and proper field for Federal aid?

Mr. COLE of New York. Mr. Chairman, I seriously doubt that the sum recommended for the Federal Civil Defense Administration in this measure is sufficient to prepare adequate civil defense in this age of peril—when a serious atomic attack on this country can happen any day.

I should like to call attention to one particularly significant decrease in the funds toward informing and educating the public in civil-defense measures. The Federal Civil Defense Administration requested $994,000 for this purpose. The committee has recommended that this be decreased to $700,000. You may feel justified in failing to appropriate for defense supplies and facilities on the grounds of economy but there can be no defense of failing to educate the people in the steps they should take on their own initiative for their own personal defense.

The report on the 1953 supplemental appropriation bill stated:

> This concept has as its basis the development of adequate attack warning communication and the training and education of the American people in matters of self-protection.

The committee at that time, by the way, recommended $1,600,000 for public education and self-protection.

The Agency's original request for 1954 of less than a million dollars for this vital educational program may well have been too conservative in light of the

tragic consequences of ignorance in emergency.

Recently the President told a news conference that the time has come when the American people must be given more information about atomic weapons, both United States and Russian. He said that it is time for us to be more frank with the people than has been the custom in the past. I have been in hearty agreement with the need for such an information program and even now am engaged to that objective. Once the people understand the tremendous force of modern atomic weapons, they will more readily and generously appropriate funds for protective measures.

The major responsibility in this field of informing and protecting the American people was imposed by the 81st Congress upon the Federal Civil Defense Administration, and properly so, for it is a Federal responsibility. How can we possibly inform 45 million American families on self-protection against atomic, biological, and chemical warfare for an expenditure of $700,000 or even a million dollars over 1 year's period? In sharp contrast to this, the automotive industry spends hundreds of millions of dollars to sell its products each year. The automobile unlike civil defense has long been an accepted part of America's way of life, yet sound business practices in the industry require the many millions of dollars spent each year to sell and resell the automobile to the public.

At a time when so many of us both within and outside of Government are hammering on the necessity of having all of America's families know the true facts about the dangers we face and how they can protect themselves against its dangers, it seems quite unrealistic to reduce by nearly 30 percent the small amount asked for that program.

I believe that the people of this Nation will act wisely if they have the full truth and that our Government must be candid with the American people about the atomic dangers that confront us. We should at least vote Civil Defense the money requested for educating the people in self-protection.

Earlier I cited the committee's interest in early attack warning. It strongly believes in the concept of a good warning program which is primarily based on a siren system of warning the public.

Strangely enough, however, I know many, many people who do not know what the air-raid signals are and who do not know what to do when they hear them. To me, it does not make a great deal of sense for the House to financially endorse a stronger public-warning system and then make a 30-percent cut in the program which would, among many other things, educate the people to understand those signals and what to do when they hear them. If the public does not know what the sirens mean and the actions they must take to save their lives, then our siren system might just as well be mute for its value in alerting the people.

May I call your attention to a statement made by President Eisenhower, March 4, when he swore in the able Governor of Nebraska, Val Peterson, as Civil Defense Administrator:

> The task of civil defense is vital to our national life. It demands a preparedness that can do more than limit the damage of a wartime disaster. It means developing a preparedness, vigilance so impressive as to deter aggression itself. * * * This awareness must touch every community, every citizen of our land. * * * The responsibility of the Federal Government is to provide leadership. This entails more than the stockpiling of supplies and the furnishing of technical guidance. It demands inspiring our whole citizenry to be alert to their collective task.

Obviously, the Congress by its own law—Public Law 920—shares with the President and the executive branch, the grave responsibility of leadership in this great voluntary program. Moreover, it shares responsibility with the executive branch for inspiring our whole citizenry to be alert to their collective task.

Knowing how severely the Congress has treated civil-defense appropriations in the past, I wonder how much leadership is now indicated by cutting an already modest appropriation by nearly 70 percent. I wonder, too, how we can arouse and protect our people; how much we can inspire them during the coming year with the investment of $700,000. Ruthless economy can be blind folly.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read down to and including page 1, line 7.

Mr. DAVIS of Wisconsin. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BYRNES of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6200) making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes, had come to no resolution thereon.

CIVIL DEFENSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I rise to discuss briefly the cut in the appropriations for civil defense.

Mr. Speaker, as a woman and a Member of the House, I am profoundly disturbed by a House committee action that involves the lives of millions of my fellow Americans. The action I speak of would disturb all the women of America I feel sure, if they knew the full import of it.

I have seen much of war and the toll it takes in human life and suffering. In the First World War and in the years between it and World War II, I was engaged in the medical care and rehabilitation of the victims of war.

As a Congresswoman, I know that committee action, taken in haste and under heavy pressure, frequently is taken at the expense of prudence and reason, and yet with the best motives in the world. That, I suspect is what has happened here.

The action that disturbs me is that of the Emergency Agencies Subcommittee of the Committee on Appropriations in disallowing the $82 million asked for by the Federal Civil Defense Administration for stockpiling medical supplies and equipment against the day of atomic attack on this country. That there is constant danger of such an attack, I submit, is not debatable. Our highest military authorities and our best intelligence tells us that this is so and that it will be until assurance of a permanent world peace can be found. There is no prospect of that now; nor can anyone see one for a long time to come. Such an attack would result in casualties in the millions and a destruction of property almost beyond imagination. With civil defense we can cut those casualties and the damage 50 percent, bring about the speediest rehabilitation of our stricken centers, and provide ourselves with the best insurance against disruption of our productive industrial capacity without which no modern war can be fought.

We have made a start at building civil defense, but there is a long way to go. I regret to say, the Congress, in repeatedly slashing the appropriations made for the Federal civil defense has been, perhaps, the major brake on our progress toward that goal. When we cut civil defense appropriation to the bone the States and communities, who look to Congress for leadership, in many cases, follow our example. Civil defense begins at home. But without Federal leadership and assistance, we cannot expect the States and communities to assume the burdens.

However, it is with the health and medical defense aspect of the civil defense problem that I am concerned today. Without Federal help, no city, however rich and populous, can hope to supply itself with the medical supplies and equipment it would need immediately after an atomic attack. By our law, the FCDA is duty bound to give the backup medical supplies for our cities. They have submitted a reasonable program for this purpose and estimated the cost. It is this program, that the committee has curtailed.

The reasoning of the committee, as given in its report, is as follows: The FCDA asked for $82 million for medical supplies and equipment. As of May 30, 1953, orders had been placed for such supplies in the amount of $79,350,637. Of this amount only $41,997,144 had been delivered. Hence, we will give you $20 million, which, with the undelivered items, will provide a realistic medical stockpiling program for 1954.

This reasoning would perhaps be understandable were it not for, first, the peculiar conditions of the medical supply industry; and, second, the required methods of Government procurement for economy purposes. Delivery, as I will explain, is not the criteria. Actually, FCDA had obligated all the moneys allotted it and needs the sum it has asked for, which will be obligated in turn for the items needed to carry on its program.

We are all familiar with the expression "lead time" in connection with production and supply. In the field of medical supply it is especially significant and we should not be misled into a false economy at the cost of serious damage to our civil defense program because we have misunderstood these special conditions.

The FCDA's medical supply program has a dual function: First, that of providing for local stockpiling on a matching fund basis under the Federal contributions program to provide for emergency medical care and public health services in the first few post-attack hours; and second, that of establishing Federal backup reserves, financed entirely by the Federal Government to provide for the continuance of such care and services after the first few post-attack hours and through the post-attack emergency period.

Only those quantities and types of supplies needed for about the first four post-attack hours are being stored by our communities. The remainder of the supplies needed to carry a community for the emergency period would be stored by the FCDA in warehouses strategically placed to serve the 67 target areas. To store within each of these areas all of the supplies needed by all nearby target areas for 3 weeks casualty care would be an unwarranted drain on production and money. It is estimated that such a plan for each target area would cost 3 to 5 times as much as the plan proposed by the FCDA.

Two major factors condition the problem that the FCDA program is designed to solve: First, the fact that inventories of normal medical supplies of a community are extremely small when compared to the quantities and types of those needed in a civil defense emergency; and, second, the Department of Defense has advised the Federal Civil Defense Administration that the Armed Forces stockpile of medical supplies and equipment will not be available to civil defense in an emergency without seriously jeopardizing military medical operations, except perhaps on an extremely limited basis.

Most surgical supplies are shipped almost immediately from the production line to the hospital or physician consumer, frequently without any intermediate retail step. Most manufacturers warehouse their products only to the extent necessary to maintain these shipments. Inventories of retail surgical supply dealers, sufficient for only 30 or 60 days of normal peacetime consumption, would in an emergency be exhausted almost immediately. For example, a Department of Commerce study of surgical instruments and equipment revealed that within a 100-mile radius of the District of Columbia there were not enough supplies in the hands of dealers to equip a single 100-bed hospital. Furthermore, retail medical and surgical supply dealers are generally situated in the business sections of cities and are, therefore, highly vulnerable in the event of attack.

Hence, it is very apparent that we must carry forward the proposed program for medical stockpiling against the enormous casualty load that will be thrown upon the health and special weapons defense services of Civil Defense if we are to have any assurance that we will be able to survive the crushing blow of an all-out attack with the weapons of modern war.

In deepest sincerity, I urge that the FCDA be given the funds it must have to assure us adequate medical care and health protection which would be so desperately needed if the enemy's atomic bombs ever fall on our cities.

I would like to say that those who have visited the tornado-stricken areas know full well what civil defense can do and how extremely necessary it is, and that President Eisenhower has directed the Civil Defense to assist in stricken areas. Anyone who has visited and seen Operation Doorstep knows how vital knowledge of the dangers of bombings, fires and other disasters and what to do to help. I suggest that all Members of Congress visit the exhibitions given by Civil Defense at the college in Maryland.

WHEAT MARKETING QUOTA PROVISIONS

Mr. HOPE submitted the following conference report and statement on the bill (H. R. 5451) to amend the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes:

CONFERENCE REPORT (H. REPT. 786)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5451) to amend the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3 and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "sixty-two"; and the Senate agree to the same.

CLIFFORD R. HOPE,
AUG. H. ANDRESEN,
WILLIAM S. HILL,
W. R. POAGE,
GEORGE GRANT,
Managers on the Part of the House.

GEO. D. AIKEN,
MILTON R. YOUNG,
EDWARD J. THYE,
ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5451) to amend the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate made four amendments to the House bill. The committee of conference has agreed to recommend that the House recede from its disagreement to Senate amendments numbered 1, 2, and 3, and that the House recede from its disagreement to Senate amendment No. 4 and agree to that amendment with an amendment.

1. Amendment No. 1 deals with the basis on which the Secretary is to allot to irrigation projects and other new areas the one percent of the national acreage allotment of wheat which is set aside for this purpose. Under the provisions of the House bill, the Secretary would allot this acreage on the basis of the new areas coming into production of wheat during the ten calendar years "immediately preceding" the calendar year in which the national acreage allotment is proclaimed. The Senate amendment changed the words "immediately preceding" to "ending with." This will have the effect of requiring the Secretary to take into consideration the latest available records of wheat production in distributing this one percent reserve.

2. This amendment adds language not in the House bill which will have the effect of repealing the now obsolete provisions of the Agricultural Adjustment Act establishing a penalty of 15 cents per bushel for wheat grown in excess of marketing quotas. This provision has been superseded several times by later and higher penalty provisions but for some reason has not been previously repealed. It is specifically superseded by section 3 of the bill agreed upon by the conferees, which has the effect of establishing the wheat penalty at 45 percent of the parity price.

3. The House bill contained provisions which would have changed the present law relative to exemption of small wheat growers from quotas, by raising the exemption level from 15 acres or 200 bushels to 25 acres, or 400 bushels. Senate amendment No. 3 eliminated these provisions from the bill. By agreeing to the Senate amendment, the committee of conference reports a bill which will leave the present exemption levels unchanged at 15 acres, or 200 bushels of wheat.

4. The fourth amendment of the Senate changed from 66 to 61 million acres the statutory minimum national acreage allotment for 1954. The compromise recommended by the committee of conference will establish the minimum national acreage allotment for 1954 at 62,000,000 acres.

CLIFFORD R. HOPE,
AUG. H. ANDRESEN,
WILLIAM S. HILL,
W. R. POAGE,
GEORGE GRANT,
Managers on the Part of the House.

Mr. HOPE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 5451) to amend the wheat-marketing-quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HOPE. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Clerk read the statement.

Mr. HOPE. Mr. Speaker, the statement of the conferees pretty well points out the differences in the two bills and, unless there are some questions——

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HOPE. I yield.

Mr. ROGERS of Colorado. I direct the gentleman's attention to the first

statement contained herein—that the allotment of wheat is set aside for this purpose, dealing with the irrigation projects, and so forth—does that apply only to those projects that are financed by Government reclamation projects or does that apply to general irrigation?

Mr. HOPE. It applies to acreage which has been brought into production within recent years, mostly through irrigation but not limited to that. But as it applies to irrigation it is not limited to irrigated land brought in under the Reclamation Service.

Mr. ROGERS of Colorado. And it must be of recent origin. As you and I know, in the West there have been many irrigation projects that have existed for a number of years and in many instances they use irrigation for the purpose of growing wheat. Would it apply only to the recent ones or generally to all crops that have been grown as a result of irrigation?

Mr. HOPE. Its effect would be to apply, principally at least, and I think almost altogether, to the recent projects because in the case of irrigated areas which have been in existence for a number of years, if the producers had desired to grow wheat, they would have built up a wheat history by this time. It is designed to apply particularly to those areas which are now coming into cultivation which have not had a chance previously to build up a wheat history.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. HOPE. I yield to the gentleman from Texas.

Mr. RAYBURN. Under the conference report there is allowed a total of 62 million acres of wheat; is that correct?

Mr. HOPE. That is correct.

Mr. RAYBURN. Along the line of the questions of the gentleman from Colorado [Mr. ROGERS], I am interested to know how many years they are going to take for the average on the individual farm. Has that been determined yet?

Mr. HOPE. Under the law the national acreage allotment will be apportioned to the States on the basis of the 10-year average of seeded acreage, and the allotment to the States will in turn be allotted to the counties on the basis of a 10-year average of seeded acres. The allotments to the farms will be made on a formula which is set out in the law and which includes a number of factors.

Mr. RAYBURN. How many years are you going to allow for the individual farm—10 years?

Mr. HOPE. No. On the farm it is subject to a number of factors including the number of tillable acres, crop rotation practices, type of soil and the acreage grown on the farm in past years. I think there are 1 or 2 other factors which I do not recall at the moment.

Mr. RAYBURN. What would be the situation on a farm that had been raising wheat for only 2 years?

Mr. HOPE. It would be up to the county committee to apply the formula and to determine the weight to give each of the factors which I have mentioned. While previous production is given weight, the committee is not confined by any means to the previous history of production; the allotment depends also upon the number of tillable acres on the farm and upon the crop rotation practices on the farm as well as type of soil and topography.

Mr. RAYBURN. Tillable acreage on the farm?

Mr. HOPE. That is one of the factors, but it is up to the county committee to give the proper weight. That is a factor in determining what the acreage would be to the individual farm.

Mr. RAYBURN. I thank the gentleman.

Mr. HOPE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to, and a motion to reconsider was laid on the table.

OPERATING EXPENSES OF SCHOOL DISTRICTS AFFECTED BY FEDERAL ACTIVITIES

Mr. McCONNELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6078) to amend Public Law 874 of the 81st Congress so as to make improvements in its provisions and extend its duration for a 2-year period, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6078, with Mr. SCRIVNER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, general debate is to be confined to the bill and to continue not to exceed 1 hour, to be equally divided and controlled by the gentleman from Pennsylvania [Mr. McCONNELL] and the gentleman from North Carolina [Mr. BARDEN].

The Chair recognizes the gentleman from Pennsylvania [Mr. McCONNELL].

Mr. McCONNELL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill H. R. 6078 is in effect somewhat in the nature of a companion bill to H. R. 6049, which was passed last week. The bill which was passed last week, H. R. 6049, provided Federal payments to assist in the construction of minimum school facilities in districts affected by Federal impact.

H. R. 6078 amends and extends Public Law 874, a law which provides for maintenance and operation assistance to school districts affected by Federal activities of the Government, principally due to the defense program of the country.

The appropriation for Public Law 874 for this fiscal year ending June 30, 1954 will be approximately $60,500,000. If this bill, H. R. 6078, were in effect it would reduce that amount to about $50 million. Although the amounts needed for the succeeding 2 years cannot be estimated accurately it is estimated that the bill would effect corresponding reductions.

The new bill continues the section of Public Law 874 which provides for payments to a school district on property acquired by the Federal Government since 1938, which was not acquired in exchange for other Federal property; which had an assessed value of not less than 10 percent or more of the assessed value of all real property at the time of acquisition, which has placed a substantial and continuing financial burden on the school district; and from which no continuing substantial compensation is being received.

Maximum payments to a local educational agency are computed by formulas. The number of children under certain categories is determined as follows:

(a) Children in average daily attendance during preceding fiscal year who resided on Federal property with parent employed on Federal property, situated in whole or in part in State, or within reasonable commuting distance from school district; or had a parent who was on active duty in uniformed services, as defined in section 102 of Career Compensation Act of 1949.

(b) Children in average daily attendance during preceding fiscal year who either resided on Federal property, or resided with a parent employed on Federal property situated in whole or in part in State, or within reasonable commuting distance from school district. Maximum payment is the local contribution rate multiplied by the sum of number children category (a) and one-half the number of category (b) minus 2 percent of difference between such sum and total number of children in average daily attendance during preceding fiscal year.

No payment under this section unless sum of number children category (a) and one-half number children category (b) is 10 or more.

For exceptional circumstances, Commissoner may waive or reduce the 2-percent deduction and the requirement of 10 or more children.

Where the children in average daily attendance at schools of a local educational agency during the fiscal year ending June 30, 1939, exceeded 35,000, there shall be a 3-percent deduction in lieu of 2 percent, and the Commissioner may not waive or reduce the 3-percent deduction.

The local contribution rate is obtained in the following manner:

First. The Commissioner shall determine which school districts within the State are generally comparable to school district for which computation is being made.

Second. He shall then divide (A) the aggregate current expenditures—during second fiscal year preceding the fiscal year for which computation is being made—which the comparable school districts made from revenues derived from local sources by (B) the aggregate number children in ADA during such second fiscal year. The quotient obtained is the local contribution rate.

A floor on the local contribution rate is provided as follows: In no event shall the local contribution rate be less than 50 percent of the aggregate current ex-

penditures during second fiscal year made by all local educational agencies in such State—without regard to source of the funds—divided by the aggregate number of children in ADA in the schools of such agencies during that second preceding fiscal year.

If amount computed for payment under previous categories together with all other funds from available sources is not sufficient to provide a level of education equivalent to other generally comparable school districts in the State, and if such agency is making a reasonable tax effort and using due diligence in availing itself of State and other financial assistance; and if not less than 50 percent of total number children in ADA in schools of such agency during preceding fiscal year resided on Federal property, and if effective for fiscal year beginning July 1, 1955, the eligibility of such agency is no less favorable than for other local agencies in the State—the Commissioner may increase the amount to the extent necessary to enable educational agency to provide education equivalent to comparable school districts.

If Commissioner determines that as a direct result of activities of the United States—carried on directly or through contract—an increase in number of children in ADA has occurred in schools of local agency, equal to at least 5 percent of the number of all children in ADA in those schools of such agency during preceding fiscal year, and that those activities placed a substantial and continuing financial burden on those schools, and that such agency is making a reasonable tax effort, but is unable to secure sufficient funds to meet increased costs—then such agency shall be entitled to receive an amount equal to the number children to be the increase resulting from Federal activities in such year in ADA, multiplied by the amount Commissioner determines to be the current expenditures per child necessary to provide free public education to such additional children in ADA minus the amount to be available from State, local, and Federal sources not counting as available payment on property acquired by the Federal Government or funds from local sources necessary to provide free public education to other children.

Except where determination made for fiscal year ending June 30, 1956, such agency shall receive for next fiscal year 50 percent of such product.

The bill provides that local education agencies may receive payments with respect to Indian children attending their schools. Most of these children, even though they reside on tax-exempt property, cannot be counted for purposes of Public Law 874 payments because they are eligible for educational services, provided through the Bureau of Indian Affairs in the Department of Interior. That Bureau operates, pursuant to the Johnson-O'Malley Act, a program of Federal financial assistance to State and local educational agencies which provide free public education to Indian children.

This bill will permit States to decide for themselves whether to become eligible to receive Public Law 874 payments for their Indian children, or to continue to receive educational payments under the Johnson-O'Malley Act. Those States which elect to receive Public Law 874 funds will officially notify the Office of Education before January 1 of the year preceding the fiscal year for which they desire to receive such payments.

Public Law 874 was enacted September 30, 1950, and by its terms would expire June 30, 1954. The Congress so limited the duration of the law because of the then untried character of this new approach to the meeting the Federal responsibilities involved, and because of the obvious need for careful reconsideration of its various provisions on the basis of actual experience.

The purpose of H. R. 6078 is to extend the provisions of this law for an additional 2 years, that is, until June 30, 1956, and to make various amendments which the committee believes are indicated as a result of its review of the law's objectives in the light of present day conditions and the past 3 years' experience with the law's administration.

Public Law 874 recognizes the dual burden placed on school districts by Federal activities. The two dominant features of Federal activity in relation to the public school program of a community are, first, the tax-exempt status of property acquired by the Government which lowers school revenues and, second, the employment by the Federal Government of substantial numbers of workers whose children add to the normal school population. Frequently, homes for Federal workers are built on military or other installations which means that both the place of employment and residence are tax exempt. Thus, fewer local tax dollars per pupil are available to pay the costs of education for all children in the community.

The Congress enacted Public Law 874 in September 1950, after intensive investigation undertaken by this committee for the purpose of defining the nature and extent of the problem and of the Federal responsibility in connection therewith. In general, the provisions written into the law have proved to be both wisely conceived and equitable in application because they insure that Federal funds will be directed to the place of immediate need and that they will be in proportion to the burden placed on the schools by a Federal activity.

In the 3 years Public Law 874 has been in operation the number of eligible districts and the number of federally connected children have increased sharply each year, and the amount of Federal funds required has risen substantially above the annual cost estimated when the act was passed. These increases have been due largely to the expansion of defense spending since the law was first enacted, and not anticipated at that time.

This spending has, of course, been reflected in new and reactivated military bases, new defense plants under Federal lease or ownership, and considerable expansion of production for defense purposes by private industry. The mobilization of our Armed Forces has uprooted many families and brought them into new and congested districts. Many thousands of additional workers have taken employment on Federal property in their own or new communities.

In many federally affected school districts where problems of World War II increases have been carried over, and local resources have been strained to the utmost, the assistance provided under Public Law 874 alone has served to prevent serious deterioration in the school situation. In other districts where sudden and substantial new increases in school enrollments have resulted from Federal projects, a complete breakdown in the public-school system has been avoided and the absorption of the growth made possible through payments made under this law.

The Federal responsibility to which Public Law 874 is addressed will continue for as long as the Federal Government continues to own and use large areas of tax-exempt property and to impose substantial burdens on school districts in the form of reduction in their tax base or increase in their educational load or both.

The need for extending Public Law 874 during this session of Congress arises from the necessity of giving the affected school districts some assurance now that Public Law 874 payments will be forthcoming after the 1953–54 fiscal year. They need this assurance now in order to budget soundly for their 1955 and 1956 school years, and in order to avoid needless and wasteful disruption of their school programs.

The bill postpones until July 1, 1954, the taking effect of those amendments which will operate to reduce the entitlements of local school agencies. This will permit an orderly adjustment on the part of affected school districts from the existing law to the amended law.

Public Law 874 had as its basic principle the concept that the Federal Government would compensate a local school district for the burden imposed on such district by the Federal Government and would pay its just share of the school maintenance and operation costs borne from local taxation. To carry out this principle, the law provided that the amount of the payment to any local school agency for children who lived on Federal property, or with a parent employed on Federal property, or both, was determined by reference to the rate of expenditure for school purposes from local tax revenues to comparable communities in the State. In the administration of the law to date it has been learned that this concept is sound where the bulk of the funds are obtained by local taxation. However, this committee has received extensive testimony showing that in those States where the State has adopted a plan financed by State revenues of equalizing educational opportunities in the less wealthy communities of the State with those in communities in which there is a higher per capita income, the local contribution rate remains low, with the result that the Federal payment under Public Law 874 is low. Thus local school agencies in States where the most has been done to raise standards of education by the use of a financing system based on Statewide tax levies find themselves at a great

disadvantage under Public Law 874 in their effort to meet school needs caused by Federal activities.

To partially rectify this situation, the bill contains a provision establishing a floor to be used as the minimum rate per child in the computation of the Federal payment. Under this provision, the local contribution rate for any school agency in any of the 48 States cannot be less than 50 percent of the average per pupil expenditures from all sources made by all school districts in the State. The primary effect of this provision will be felt in approximately 15 States. The committee wishes to make clear that the law has not and should not attempt to equalize rates between districts or between States. To do so would be to depart from the concept of this law as that of the Federal Government assuming its rightful share of a particular burden in a particular place. Educational programs and costs vary from place to place in accordance with the traditional American philosophy of local control of education patterned to local desires and resources. This law is not designed to change or influence that tradition.

Section 6 of the law now provides that where no local educational agency is able to expend tax revenues for the education of children residing on Federal property, or for some other reason cannot provide suitable education for such children, the Commissioner of Education shall make arrangements for their education. In administering this section the Commissioner of Education has utilized the Federal agency responsible for the administration of the Federal property—usually one of the military departments—as his agent for the provision of the education, so that in actual practice the section has been administered by a Federal agency other than the Office of Education. The possibility exists, however, that under the language of existing law the Office of Education may have no alternative but to operate a school on Federal property.

H. R. 6078 proposes to amend section 6 of the law so as to render it impossible for the Office of Education to take any steps in the direction of actual school operation or control over school curriculum or programs of instruction. Under this amendment, in any case where section 6 applies the Commissioner of Education must make arrangements only with a local educational agency or with the Federal agency responsible for the Federal property on which the education is to be provided. The amendment precludes the Commissioner from providing the education through the Office of Education.

The Commissioner of Education would retain responsibility for determining when no local educational agency is able to expend tax revenues or otherwise provide suitable education for children on military or other Federal reservations, for procuring and dispensing the appropriations necessary to meet the Federal expense involved, and for making sure that the per pupil expenditures do not exceed the limits contained in the bill.

Other changes in section 6 would permit, under certain conditions, children of Federal employees in Puerto Rico, the Virgin Islands, Guam, and Wake Island, and in areas adjacent to military installations, to attend schools operated on Federal property.

Under the existing provisions of section 3—which provides for payments with respect to children who reside on Federal property, or reside with a parent employed on Federal property, or both—a local school agency is not eligible for payment unless the number of children to whom that section applies is 3 percent or more of the total number of children educated by the agency. However, once the agency has met this eligibility requirement, it receives payment with respect to all of the children to whom section 3 applies, including the first 3 percent. The bill would change this. There would be no eligibility test as such. Instead, an agency would have to absorb 2 percent of its nonfederally connected children. In other words, in determining the amount of its payment, the number of children which—except for this absorption requirement—would be used under section 3 will be reduced by a number equal to 2 percent of the nonfederally connected children in the schools of such agency. In the case of cities whose school populations in 1939 exceeded 35,000, and which because of their size and resulting greater ability to realize increased revenue by reason of Federal activity, the absorption requirement will be 3 percent of their nonfederally connected children.

In determining numbers of federally connected children—and of nonfederally connected children—for purposes of this absorption requirement, children who either reside on Federal property or reside with a parent employed on Federal property, but not both, would count half as much as children who both reside on Federal property and whose parents work on such property. This difference in treatment is based, as is the difference in treatment under existing law, on the assumption that, on the average, about half the local share of the cost of public education comes from residential property taxes and half from taxes on other property. Where the child lives on tax-exempt Federal property with a parent employed on such property, no such tax revenues are derived. Where either, but not both conditions exist, the average of the tax revenues derived will be about half of those derived in the case of nonfederally connected children.

The purpose of this new absorption requirement is to limit the Federal payments more closely to those situations where the number of federally connected children is so large in relation to all other children for which a local educational agency is responsible, as to constitute a real burden upon the community. As a point of equity and uniform treatment it is believed consistent, in the light of the original committee findings and report, to expect all school districts to absorb some federally connected children rather than only those that fail to become eligible. This proposal is also considered to be in line with the fact that Federal activities usually result in some increases in local tax revenues despite the tax-exempt status of Federal property, except where the school district is comprised almost wholly of Federal property. As in the present law, the Commissioner is given discretionary authority to waive or reduce the 2-percent absorption requirements when exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of the act.

Another major change in Public Law 874 is one designed to authorize States to elect to have their local educational agencies receive Public Law 874 payments with respect to Indian children attending their schools. Most such children, even though they reside on tax-exempt Indian property—which by definition constitutes Federal property under Public Law 874—cannot be counted for purposes of Public Law 874 payments by virtue of a specific provision in section 9 (2) of the law excluding all children who would be eligible for educational services provided through the Bureau of Indian Affairs in the Department of the Interior. That Bureau now operates, pursuant to the Johnson-O'Malley Act (25 U. S. C. 452), a program of Federal financial assistance to State and local educational agencies which provide free public education to such Indian children.

It is the purpose of this amendment to permit States which exercise their option, to become eligible to receive Public Law 874 payments with respect to their Indian children in lieu of educational payments under the Johnson-O'Malley Act. It is not intended that the exercise of such option shall preclude or in any way affect the eligibility of the electing State or any of its political subdivisions to participate in the Johnson-O'Malley program as respects health, welfare, or other noneducational services.

H. R. 6078 provides that each State be permitted, through its governor, to elect coverage of its Indian children under Public Law 874, if it so chose. Upon such an election for any fiscal year, Public Law 874 payments would be made for that year with respect to Indian children who reside on Federal property, or who reside with a parent employed on Federal property, in like manner as they are paid on other federally connected children. State and local educational agencies in States which do not elect before the date specified in the bill—January 1, 1954, for the fiscal year 1955 and January 1, 1955, for the fiscal year 1956—would continue eligible for Johnson-O'Malley payments and ineligible for Public Law 874 payments with respect to such children, as is the case under the existing provisions of Public Law 874. The authority of the Bureau of Indian Affairs to provide education to Indian children in Indian schools operated by the Bureau would not be affected by the amendments here proposed.

Under H. R. 6078, payments to local educational agencies would be based on the previous year's attendance data rather than as under existing law on attendance data for the current year in which the payments are being made.

Adoption of the previous year's attendance as the basis for Federal payments under section 3 of the law logically leads to the elimination of so-called State lag payments, and the bill would eliminate these payments. These payments were intended to supplement the basic payments under section 3 in the case of federally connected children during the first year of their attendance in the schools of a local educational agency. Such supplementation was thought necessary because State-aid payments are normally based on attendance data for the previous year so that during the first year of a child's attendance the local educational agency receives nothing from the State on account of the child.

The bill would add a new provision authorizing the Commissioner of Education to make supplementary payments to local educational agencies if 50 percent or more of their total school attendance consists of children who reside on tax-exempt Federal property, and if they make a showing that they both need and deserve supplementary payments. Where so large a proportion of a local educational agency's school population consists of children residing on property from which the agency realizes no or insignificant tax revenues, there is a likelihood that the tax base remaining to the agency is insufficient to meet that portion of the local costs of educating Federal children which is not met under section 3 of the law. This provision would enable a relatively few local agencies in this special type of situation to operate their schools at the same level as other agencies which are generally comparable to it.

The bill would change the provision that children may be counted as federally connected under section 3 (b) only if their parents work on Federal property in the same State as that in which the children go to school. The change would permit payments in the case of children whose parents work outside the State but within reasonable commuting distance of the school districts where the children go to school.

The bill amends section 3 (a) of Public Law 874 so as to meet a special problem which has arisen in the past in connection with children of military personnel. The amendment would include in section 3 (a) under which the full local contribution rate is paid with respect to children who reside on Federal property with a parent employed on Federal property, all children who reside on Federal property and who have a parent who is on active duty with the uniformed services—as the term "uniformed services" is defined in the Career Compensation Act of 1949—irrespective of whether the parent is employed on Federal property.

The bill would make several significant changes in the provisions for determining eligibility for and the amount of payments to local educational agencies with respect to children whose school attendance is attributable to activities of the United States—section 4 (a). In order to simplify the administrative burdens of the local educational agencies and the Office of Education, the bill would amend these provisions so as to base eligibility for payments under section 4 (a) for any year on an increase in average daily attendance over the preceding year, as the result of Federal activities, equal to not less than 5 percent of the total average daily attendance during the preceding year. Under the existing provisions eligibility depends on a 10-percent increase over the average for the 3 preceding years. Another change is the insertion of the requirement that the increase in school attendance be a direct result of Federal activities, thus excluding from consideration children of parents who come into the community to service those employed in the Federal activity.

The bill would also amend section 4 (a) of the law to reduce the period for which a community may be eligible for payments, on the basis of an increase occurring in a particular year, from 3 years to 2 years. We believe that a 2-year period should be adequate for the community to adjust its property values and tax machinery to the influx of population. In addition, the second year's payment would be limited to 50 percent of the first year's payment to the community, provided, of course, the community still needed that amount of money for the provision of education for the federally connected children.

Under the definition of "Federal property" in section 9 (1) of the existing Public Law 874, properties owned by the United States but leased to private parties for housing or commercial purposes and subject, in some States and communities, to property taxation insofar as the interests of a lessee are concerned, are not in some cases considered Federal property for purposes of the formulas in the act. The bill would, effective July 1, 1953, amend the definition of "Federal property" to include such leased properties, thus permitting the school districts concerned to count children whose parents live or work on the property in qualifying for Federal payments under the amended. Any property taxes paid in connection with such leased property and becoming available to the school district concerned, would be deducted from any Federal payments to which the school district might otherwise become entitled.

There are a number of school districts which have for many years been receiving Federal payments in the form of payments from United States forestry reserve funds—title 16, United States Code, sections 471–517—United States mineral lease royalty funds—title 30, United States Code, sections 181–287—Taylor Grazing Act funds—title 43, United States Code, sections 315–315r—Migratory Bird Conservation Act funds—title 16, United States Code, section 715 (s)—and from funds for a few similar programs on account of Federal property. In some of these school districts the Federal Government has also created a military base or an industrial establishment or housing project on other lands and, as a result of such Federal installation, large numbers of children have migrated to the district and attend the district's schools. Under Public Law 874 these Federal payments must be deducted from a school district's entitlement for any new Federal impact. H. R. 6078 would amend the deduction provision in Public Law 874 to limit any such deduction, on account of the availability to the local educational agency of such special funds, to the amount, if any, to which the school district concerned would otherwise become entitled under Public Law 874 with respect to children who reside on, or reside with a parent employed on, the Federal property with respect to which the special funds are paid.

The bill extends the provisions of Public Law 874 to Guam and Wake Island. The committee believes that Federal functions in connection with the education of children of parents residing or working on federally owned property in Guam and Wake Island should appropriately be provided for in Public Law 874. Some flexibility in the application of the act to situations in these areas is desirable and has been provided for in the bill.

Mr. BARDEN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, after the experience we have had with the operation of this bill, I do not think it is necessary to go further into a discussion of the details. The chairman of the committee, the gentleman from Pennsylvania [Mr. McCONNELL], brought out the principal changes.

The committee tried as best it could to keep in mind, certainly, some semblance of economy. We tried to reduce the bill as much as it would stand and do the job, recognizing at the same time there was a very distinct responsibility resting upon the shoulders of the Federal Government. We tried as best we could to make provision for the discharge of that responsibility, and in so doing to be fair to the taxpayers of the country.

This is not a general Federal aid bill. This is a bill to do exactly, as I understand it, what the Congress intended to do when it started passing this type of legislation, and that was to take care of the bad conditions which were brought about by the activities of the Federal Government.

Mr. Chairman, I would like the House to know that the chairman of the committee gave considerable time to this bill. We selected people who were in a position to have experience with the bill, some from various States, those from the departments, and those from the drafting service, and others who were able to fashion the bill into the type of legislation we were seeking. The committee attended very regularly. There was much work and much discussion on the bill. As far as I know, there was not a person on the committee who had any reluctance to vote it out. I think it was unanimous, but I have heard so many men come on the floor and say that so and so was unanimous, and then find that somebody showed up that was absent. However, I want to assure you that if there was anyone opposed to the bill, he did not appear before the committee and express his opposition, nor did he vote against it when the bill came out.

Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, first I want to pay my respects to the Members and the staff, who graciously explained this legislation to me and gave me information, as my district is vitally interested in the legislation.

I know there are tremendous problems having to do with relieving the school districts where the number of children has increased as a result of Federal activities in those districts. As you know, Public Law 874 contained a provision to the effect that before some districts become eligible, it is necessary that the district prior to June 30, 1939, had more than 35,000 pupils and show that it had an increase of 6 percent due to the Federal impact. That resulted in what I think is a discrimination against the larger cities. In this bill, you have changed that formula from the proposition that you are not required to have 6 percent Federal impact before you are eligible for aid. You have changed it to a question of absorption by the districts of 2 percent as a result of being federally impacted, if they had less than 35,000 pupils as of June 30, 1939. If those school districts as of June 30, 1939, had more than 35,000 pupils, then they are required to absorb at least 3 percent before they are eligible for any aid of any kind. I think that is truly discriminatory against the school districts for several reasons.

The main reason is, if your school district had a population of less than 35,000 as of June 30, 1939, they are required to absorb 2 percent, but, if they had 35,000 as of June 30, 1939, they must take 3 percent.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield.

Mr. BAILEY. Does the gentleman figure the basis for this absorption? Is he aware of the fact that we have a normal increase of children regardless of the Federal impact? Let us get away from the idea of a school district being impacted. Nationally there is an average 5 percent normal increase. This figure for the years 1951–52 and 1952–53 would give a 10-percent increase in non-Federal children, let us say. Your absorption applies to that. I wonder whether the gentleman really got the significance of that.

Mr. ROGERS of Colorado. Here is the significance of it: On page 4 of the bill, beginning at line 17, you spell it out in no uncertain terms that any school district that as of June 30, 1939, had as much as 35,000 children would have to absorb 3 percent. If you happen to have a school district that did not have that amount prior to that date, you only have to absorb 2 percent. The point I am trying to make is that under the facts and figure here there is no reason why, if you are going to have the principle of absorption, you should require one school district to absorb more than others, if you are going on a percentage basis.

I direct your attention to this for the simple reason that when we get to the reading of the bill for amendment, I expect to offer an amendment on page 4, striking out all after the word "both" and the balance of the page. If I am unsuccessful in that, then I desire to change the date from June 30, 1939, to June 30, 1944, and change the amount from 35,000 to 42,000. I may state in this connection I have made some inquiries concerning the people who are affected as a result of what I call discrimination against the people who are required to absorb 3 percent as contra-distinguished from those who are only required to absorb 2 percent. Under Public Law 874 there were only 40 school districts that had a population of 35,000 on June 30, 1939, and of those 40 school districts only 6 qualified for aid under the federally impacted area provisions, and those 6 were San Francisco, Calif.; Seattle, Wash.; Columbus, Ohio; San Antonio, Tex.; Hawaii; and Denver, Colo. In spite of the fact that we were required to have at least a 6-percent impact before we were eligible, we had almost 10 percent.

In spite of our qualifications under Public Law 874, we were allotted $451,000 in the last preceding year, but under this formula I am unable to ascertain whether or not we are going to get $451,000. I am told that we may get $444,000 and again I am told that we may get $319,000. But, across the board, the State of Colorado will lose 21 percent. My district and the surrounding area probably is the most federally impacted area in the United States. If this formula is to be used in this manner, why can we not make it equal throughout the United States and say that we shall absorb only 2 percent rather than penalize us by making it 3 percent?

Mr. McCONNELL. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Chairman, I am pleased to be the sponsor of this legislation. I want to inform the members of the committee that they may be well satisfied that all of the provisions of the existing act, Public Law 874, were thoroughly explored and we had the benefit of the experience of operating under the efficient provisions of Public Law 874, which gave us criteria by which to formulate the extension which we have presented here today.

I would like to say that the subcommittee in hearing the different localities, the States and all who were concerned with this legislation, were most gratified to know that the old law, with the proposed changes we have in this law, so far as formula is concerned, and so forth, met accord throughout the country on the part of the people who came here to testify.

Members of the committee realize that this is purely temporary legislation, and regardless of the impact, no matter where it may be, it is the purpose of the Congress, naturally, to get out from under this problem as soon as we can.

The wisdom of the committee was greatly exemplified here, realizing that even after construction ends we still have the problem of maintenance in operation. Therefore, as this is presented to you, it has been considered with the idea that we have tried to be fair to every section of the country and not penalize anyone. That brings up the point about the 2-percent absorption which the gentleman was just commenting about, and the matter of 3 percent in the big cities where they had a 35,000 population. In the wisdom of the committee the 2-percent absorption was established in order not to penalize many little communities, many little locales throughout the country that were not equipped with school facilities to take care of the absorption.

Mr. ROGERS of Colorado. If the formula is to be 2-percent absorption, then a school district with 10,000 pupils, for example, would have to absorb 200 pupils.

Mr. KEARNS. That is right.

Mr. ROGERS of Colorado. And anything beyond that, if it were caused by Federal impact would make them eligible for aid. Why should a school district which has 50,000 pupils have to absorb, under this bill, 1,500 instead of the 1,000 if it were 2 percent? Why do you discriminate? Because if the school district absorbed its 2 percent the large school district will absorb 1,000 pupils and the smaller one 200. Why is it not fair that the formula should apply equally all the way across the board?

Mr. KEARNS. I think that is fully explained. I know the gentleman is quite familiar with the physical plants of schools throughout the country, especially in his large city of Denver where I have been myself and visited the fine school system of Denver. The city has the possibility and the potential of taking that minimum absorption there where a little township or section out in the State would not have that potential.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. KEARNS. I yield.

Mr. ROGERS of Colorado. The smaller township, as the gentleman points out, would have a smaller enrollment, would it not?

Mr. KEARNS. That is correct.

Mr. ROGERS of Colorado. And they would have to have a 2-percent absorption before being eligible for Federal aid due to impact conditions. If the absorption were 2 percent, why would the gentleman say that the smaller districts were in no better position to absorb than the larger districts?

Mr. KEARNS. We have a situation where in a city you have an impact, you have also many other industries and many other lines of activities, and you have also many accessories that have been brought into the town and they have had a lucrative business and very good page to show because of defense production.

Mr. ROGERS of Colorado. Would not the same reasoning apply to the small district?

Mr. KEARNS. No; that is not true, because in many instances that is the sole industry in the towns, and lots of times a plant is moved into a little place where they never had an industry before or some place that has had a one-room school until one of these plants went in and it was an entire new construction program.

Mr. ROGERS of Colorado. May I point out to the gentleman that in the

city and county of Denver, for example, the people in 1948 voted a bond issue of some $21 million to construct schools; and again this last October they voted another $30 million; our tax levy is in excess of 23 mills on a valuation which is high—but even with that large taxation and with that large building program we have approximately 200 schoolrooms where we are doing double duty at the present time. Under Public Law 816, as amended, we do not get a dime for construction. I am just trying to point out that here is a school district that has done everything and wants to maintain excellent school conditions, but now you discriminate against them. That is why I think it is unfair.

Mr. KEARNS. I would like to inform the gentleman further. I do not blame him for standing up for his great city of Denver; however, the concensus of the schoolmen who testified before the committee from the large cities was that they felt they had been treated fairly well and that they had really no gripe coming in the situation. They were willing to waive probably a little they might have gotten by greater consideration in order that some of the smaller places could be taken care of.

Mr. ROGERS of Colorado. I do not want to give the impression that we are not grateful for the cooperation of this committee and the Congress and for the aid we have received; but we would like to maintain a high standard and also take care of these children.

Mr. KEARNS. I know the gentleman is, but he must realize, too, that we have an Appropriations Committee to get through. So there are many problems in the situation.

Mr. ROGERS of Colorado. I will be delighted to help in these problems.

Mr. KEARNS. One thing further and that is the fact the Members should be conscious all the time that this program is being handled by the States, by the chief school officer of the State, through the locales where the impact and maintenance occurs. In no way is the United States Commissioner of Education trying in any way to run any school districts throughout the country. This is temporary legislation set up in the emergency we are in and there is conducted from that viewpoint and from that criteria the operation.

The subcommittee members are very grateful for the fine consideration we have received as a committee.

Mr. BARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, continuing the discussion raised by the gentleman from Colorado, may I say that as chairman of the special educational committee that drafted this legislation originally in the 82d Congress we were aware of the limitations of getting the program before the Congress. We were unable to tell how many of the larger cities might qualify for participation in the program and make requests for appropriations so high that it would destroy the possibility of getting the appropriations for the really impacted areas.

We deliberately put in the 3 percent eligibility requirement. In taking up the matter, in considering this new legislation, the subcommittee still considered that we were endangering this program and endangering getting adequate appropriations if we permitted some of the larger cities to qualify to the full extent that other impacted districts were permitted to qualify. That is the reason we required that they absorb 3 percent where other districts not the larger cities were only required to absorb 2 percent.

We figured that in a city we will say the size of Denver, Colo., there might be a federally impacted total of 2,000 or 3,000 or even 4,000 Federal pupils, but they are scattered throughout the city system where they could be absorbed in maybe 100 different classes or 200 different classes. That is not true of the little district where there is only one school perhaps, where the impact gets to the point from necessity that employment of additional teachers occurs. In the case of Denver it could absorb a half dozen in each class maybe and not require the employment of a single additional teacher. That is not true in the small district. So there is good sound reasoning back of this idea of favoring the smaller impacted districts.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. For the gentleman's information, the federally connected pupils in the city and county of Denver numbered 6,743 for the year 1951–52. The estimate for 1952–53 is 7,534. In 1953 it is 8,187 out of a daily average attendance for 1951 and 1952 of 49,667, with the result that if this keeps up we will have from 10 to 12 percent federally impacted children.

Mr. BAILEY. May I say to the gentleman this provision does not eliminate the city of Denver. It may reduce the payments that you are getting under Public Law 874. I am rather inclined to think that the figure that would cut you from $451,000 back to $319,000 is more likely the correct figure. You are not being eliminated. And, let me say to you that in the entire program all over the country we are effecting an economy of between 18 and 19 percent, so you would be affected by the overall legislation. I do not think it is too serious a problem.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from Minnesota.

Mr. WIER. I also want to point out that of these 6,000 Federal employees he may be counting employees that work substantially year in and year out without any impact relationship to a defense effort in the Post Office Department, in the customs department, in your mint. Are you counting the people that have lived there for years and years?

Mr. BAILEY. And the majority of which are property owners and taxpayers.

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman will yield further, for the information of the gentleman from Minnesota, we have the Lowry Air Force Base, Fitzsimons General Hospital, Rocky Mountain Arsenal, and Atomic Energy Commission plant, in addition to a large number of Federal, or so-called Federal, centers. I am sure, while the number of people who may work in the post office and their children may be included in this setup, the fact remains that with these Federal installations which are devoted to the defense effort, those are the ones that are making it necessary for us to go ahead and try to educate them.

Mr. BAILEY. In conclusion, Mr. Chairman, let me say that I have no desire to prolong the discussion here, because I am convinced that this is not bad legislation. It is not the same as Public Law 874. Three or four amendments were made, none of them are controversial, and while we did effect some economies in the program it is still basically discharging the Government's obligation in these districts, and that, after all, is what we started out to do originally and what we are trying to do at the present time. It is not Federal-aid-to-education legislation. This simply requests and requires the Government to make good on what they have done to impacted school districts by reason of Federal activities. Again, let me say I think it is desirable legislation; in fact, it is necessary if some of these children are to get a measure of equality of education with the other boys and girls throughout the Nation.

Mr. BARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I want to congratulate and thank the committee for bringing in this bill. We all recognize that it is necessary and essential legislation. I do want to again point out that it is an extension of legislation for a 2-year period and that many of these districts, and those that are hardest hit, and for whom relief is sought under this law, have a continuing problem. While I agree with the chairman of the subcommittee that the sooner we can get rid of the legislation the better, yet I think that if we weigh all of the evidence it is legislation that must be with us all during the period that we are going to be in this rather twilight zone of national defense. It becomes exceedingly hard for school administrators to project or to plan for the future when the thought is always hanging over their heads that the legislation may be terminated at the end of any 2-year period. So I urge that this type of legislation may be made permanent or semipermanent legislation. Out of the experiences we have now gained the committee can write legislation that will not be on a 2-year basis but, taking into consideration all the facts which my colleague from Colorado has just pointed out, will allow for legislation of a more permanent nature.

The district I represent is very hard hit. The city in which I live has 54 percent of its upland area in Federal ownership. It grew from 35,000, a figure at which it had practically been stabilized, for it was a bedroom community, to close to 70,000. Those 70,000 are still with us.

Not only that, the Federal Government, under the Wherry Housing Act, is contemplating erecting 500 new houses in the immediate future, with the prospect

of extending that another thousand within the next 2 or 3 years. The increases, and the impact there is just as severe as they were at any point during the war.

We have gotten away from 2-session schools by taxing the communities to the limit and by bonding them. We have expended and are expending all the money we can get from the local sources to take up this loan. Therefore, I believe in these cases this is the responsibility of the Federal Government, but that we should know so that the people who administer our school laws can go ahead and do it intelligently and can plan it.

The committee report in the last paragraph on page 2, under the heading "Effect of Increased Defense Activities" states:

> In the 3 years Public Law 874 has been in operation the number of eligible districts and the number of federally connected children have increased sharply each year.

That is true. As we have gone into this new defense effort expansion has taken place, and it is going to continue to expand. I do not think we have reached that full expansion yet.

At the bottom of page 3 of the committee report it is stated:

> The Federal responsibility to which Public Law 874 is addressed will continue for as long as the Federal Government continues to own and use large areas of tax-exempt property.

That is not decreasing.

I realize the fight we have to get the money from the Appropriations Committee, but when our cause is just we generally succeed in doing it.

I have here a letter compiled by the superintendent of schools working with other groups in the city of Alameda that shows the estimated average daily attendance for 1952 and 1953, the entitlement under the old law, and the entitlement under the Senate bill, because at the time this was done your bill was not written.

I include herewith the letter showing the effects on school districts in the Eighth Congressional District, caused by increases of population:

BOARD OF EDUCATION,
CITY OF ALAMEDA,
Alameda, Calif., June 24, 1953.

HON. GEORGE P. MILLER,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN MILLER: With the assistance of the assistant county superintendent of schools of Alameda County, a sampling was taken to determine the effect of Senate bill 1597 on the entitlements of Federally impacted districts.

The following figures were compiled based on the California local contribution rate established December 11, 1952, of $94.64 elementary, $154.78 unified, and $257.09 high school district; 1952–53 average daily attendance and number of pupils under sections 3 (a) and 3 (b) of Public Law 874 for 1952–53 were based on districts' estimates. The calculations do not take into account deductions made in lieu of tax moneys or other Federal deductions. Losses were based on the highest possible gross entitlement a district would receive under existing Public Law 874 for 1952–53 as compared to a theoretical calculated entitlement for 1952–53 under the proposed Senate bill 1597. The same average daily attendance figures, number of 3 (a) and 3 (b) pupils and contribution rates were used for each of the gross entitlements.

School district	Estimated average daily attendance, 1953–54	Estimated gross entitlement, Public Law 874	Estimated gross entitlement, S. 1597	Percentage loss
Alameda Unified	10,200	$576,710	$546,682	5.21
Monterey Elementary District	4,770	109,025	98,709	9.46
San Lorenzo Elementary District	8,400	42,588	19,969	53.12
Hayward Elementary District	5,647	36,247	21,294	41.0
Hayward Union High	4,181	37,022	5,928	84.0
San Leandro Unified	7,313	38,695	5,881	84.0
Berkeley Unified	13,579	154,470	96,118	37.78
Livermore Union High	386	12,083	9,512	21.0
Pleasanton Elementary	792	27,588	26,120	5.32
Mount Eden Elementary	887	7,760	5,489	29.27
Livermore Elementary	1,281	28,392	25,647	9.67
La Vesta Elementary	1,292	5,678	2,176	61.66
Castro Valley Elementary	2,907	12,539	4,637	63.0

Very truly yours,
DONALD M. RODERICK,
Superintendent of Schools.

Mr. BARDEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I can appreciate the feeling of the gentleman who has just spoken and the attitude of the gentleman from Colorado. Of course, we could shake up the formulas. All you have to do to change the formula is to just change one or two figures. It looks like a simple change until you get to the final totals, and then it presents an entirely different picture, as these formulas are necessarily complicated. We spent hours and days on them with men who had worked with the law 874 in the actual operation of the legislation. The formula in some cases resulted in a reduction, but they were fair enough to say it was an improvement, for after all we are not writing permanent legislation. We are trying to get out of this business and we are trying to carry on the United States Government responsibility and that responsibility alone. It is not a raid upon the Treasury. If one of the suggestions is taken, you change the formula and that changes the amount of money all over the country. If you take the other suggestion, you bring in the big cities which have not requested this and are not in real need so far as that is concerned. I think it would be well if we keep in mind the areas that gave birth to the idea of helping in this field. They were the areas which were hit by impacts and where the tax burden on the people in those areas grew out of proportion to their ability to pay. So it was with that in mind that we worked. I sincerely hope the committee will not consider changing the formula now because we have had much valuable experience. We have had years of experience in this, and I cannot conceive of any formula being tampered with here that would very likely and most probably jeopardize the bill because most of the districts that have suffered any impact have received help.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. MILLER of California. I find no fault with the formula, and I am not going to try to change it, but I do think that out of the experience that the committee now has, it could write legislation of a semipermanent nature so that within the next 2-year period the school administrators will know what they can expect and they will not be always on the uneasy seat wondering whether they are going to get their money or not.

Mr. BARDEN. May I say to the gentleman we gave much thought to that. I am not so sure but that in the final analysis the House and the Senate in their wisdom will eventually work out a formula that where the Federal Government has taken over property and has created these conditions, instead of coming back to the House every year or every 2 years, and working away on this same thing, we could come forth with a formula which would be automatic. And I might say parenthetically, I have discussed this with the chairman of the committee, the gentleman from Pennsylvania [Mr. MCCONNELL]. We recognize the importance of this problem. Then the Federal Government and the budget and the Treasury and the Congress would know exactly what the overall cost would be of a project whether it was a Federal housing project or a military installation. They could incorporate that. Heretofore, it has been around the corner and we have had to bring in these additional expenses, and attempt to do the right, fair, and equitable thing.

Mr. MCCONNELL. Mr. Chairman, I yield myself 2 minutes.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. MCCONNELL. I yield.

Mr. HARRIS. I asked the distinguished chairman of the committee to yield for the purpose of making an inquiry about the situation in my district which has to do with the problem in one of these border cities, Texarkana, Texarkana being the border city between Arkansas and Texas. The Arkansas side of Texarkana is part of my district. Over on the Texas side is what is referred to as the Red River Arsenal, an ordnance plant which is operated by the Ordnance Department of the Army. Employees who work at the Red River Arsenal and who have children in school get the same amount whether they are on the Texas or the Arkansas side.

In connection with the operation, there is what is known as the Lone Star Ordnance, which is operated by contractors. Under the present law, employees living on the Texas side and working for Lone Star are given some maintenance funds because they have children in school on the Texas side. Employees on the Arkansas side who work on the same project, who have children in the school on the Arkansas side, do not get any maintenance funds.

My understanding is that that situation is cleared up in this legislation we have before us today and that both sides of the State line will be treated alike.

I should like the distinguished chairman to inform me whether that is not true.

Mr. McCONNELL. Yes. We have provided for payments where those cases of impact cross State lines. The particular case that the gentleman has mentioned has been checked and will be taken care of under the provisions of H. R. 6078.

Mr. HARRIS. Whether they are working for the contractors in establishments such as I have mentioned or directly for the Department of Defense?

Mr. McCONNELL. That is right.

Mr. HARRIS. I thank the gentleman very much.

Mr. McCONNELL. Mr. Chairman, I yield myself another minute in order to answer a question of the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I understand that in the last bill there was $400,000 for impacted areas for school purposes, and in this bill there is upwards of $350,000; is that correct?

Mr. McCONNELL. If I understand the question, the gentlewoman is asking about her own particular area?

Mrs. ROGERS of Massachusetts. Massachusetts, that is right.

Mr. McCONNELL. It is about $350,000.

Mrs. ROGERS of Massachusetts. And it was $400,000 in the last bill?

Mr. McCONNELL. It is about $100,000 less.

Mrs. ROGERS of Massachusetts. I thank the gentleman very much.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may require to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I have no intention of taking very much of the Committee's time. I feel there is no disagreement about the advisability of extending this legislation; and, as a member of the committee, I would like to say that I enjoyed working with the subcommittee. I believe we explored the various aspects of this question thoroughly, and I think the solution is an excellent one.

Mr. Chairman, it seems unlikely that there will be any serious disagreement regarding the extension of Public Law 874 for a 2-year period, as proposed by the bill which we are presently considering. For the general information of the members, however, I would like to mention briefly why there is a continuing need for Federal assistance in the operation and maintenance of schools in the so-called impacted school districts.

It is authoritatively estimated, for the fiscal year 1953, that there will be some 750,000 children in 2,300 school districts with respect to whom payments will be made under Public Law 874. Expenditures under this law for this period are estimated at $60,500,000. This total of 750,000 children includes those who reside on Federal property or who reside with parents employed on Federal property, or who both reside on Federal property and have parents who are employed there. In the fiscal year 1952 there were about 620,000 children in these categories. While in fiscal 1951 there were only 442,000 such children, expenditures for the first 3 years' operation under this law totaled about $128 million.

It can thus be seen that the number of "Federally connected" children has grown steadily since the inception of this program. So too has the cost of discharging the Federal responsibility for the operation and maintenance of schools in these areas. The burden on local school districts because of substantially increased enrollments is expected to continue, and the loss of taxable property also is a continuing one. In both cases, since the Federal Government is responsible for this impact, reasonable Federal assistance should be forthcoming.

There is only one other point which I would like to bring up at this time. It may well be that the point already is well understood, but it seems worth reiterating.

The chairman of our committee and others have mentioned that we are proposing only a 2-year extension of the present law—to June 30, 1956. In other words, although the problem can be described fairly as a continuing one, only a temporary extension is now being sought.

The reason for this recommendation lies in the fact that the long-range problem of Federal responsibility in the educational and other fields is to be considered by a commission. President Eisenhower in his State of the Union message recommended that a commission study thoroughly the proper relationship between Federal, State, and local programs in these fields. Presumably their findings and recommendations can be thoroughly discussed by the next Congress when permanent legislation may be considered. In the meantime the localities adversely affected by Federal activities can be assured of continued assistance and can make their plans accordingly.

In closing, I would like to say that I enjoyed working on the subcommittee which considered this bill. Some of the problems which we discussed were technical and involved, and some appeared controversial. It is my belief that these questions have been thoroughly explored and that the bill under consideration is an equitable one.

Mr. BARDEN. Mr. Chairman, I have no further requests for time.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. HOLT].

Mr. HOLT. Mr. Chairman, at this time, as a freshman member of the subcommittee which was in charge of extending and amending Public Laws 815 and 874, I should like to compliment my colleagues and our chairman for the nonpartisan attitude with which the hearings and the final writing of the legislation was undertaken and completed.

I did not take time last week when the House passed Public Law 815 to speak on it, and I should just like to refer to it briefly in these remarks.

As a member of the committee, I did all within my power to see to it that the Federal Government met its obligations as far as the construction phase of Federal aid to education in federally impacted areas was concerned. The committee included in the legislation $95 million which were back entitlements that were due districts, but there were not the necessary appropriations available at the time to meet that obligation.

I should like to point out that both Public Laws 815 and 874 are temporary legislation wherein the Federal Government meets its responsibility in the school districts that are seriously burdened by Federal activities. I might add that hundreds of thousands of children have had schoolhouses and teachers that they could not have had otherwise. These laws eliminated much of the chaotic condition that existed before 1950, a condition that resulted from numerous separate appropriations to a large number of Federal agencies for educational purposes.

These statutes are necessarily complex. It has thus far been impossible to devise formulas for measuring eligibility and entitlements which are objective enough to avoid extensive interpretations. So these statutes, although clearly the best thus far enacted to care for the problems, are nevertheless something less than ideal.

Public Law 874 provides temporary financial assistance for the maintenance and operation of schools in areas affected by Federal activities. The purpose of this bill before us is to extend the provisions of this law for an additional 2 years only.

The committee attempted to help the small, hard-hit school districts, in particular, and give recognition to those States that help themselves as much as possible in providing funds for the maintenance and operation of schools.

We also attempted to follow the theory that the Federal Government must assume the responsibility of a local taxpayer because, in reality, it takes the place of a local taxpayer when it assumes ownership of land in a given school district.

In short, we attempted to achieve an equitable distribution of Federal funds to assist school districts and, at the same time, provide incentive for States to help themselves.

I should like to thank the Department of Health, Education, and Welfare for their assistance to the committee and the staff of the Committee on Education and Labor, and I also would like to say that we received a great deal of assistance from those most sincere superintendents of schools who testified before our committee.

Mr. REES of Kansas. Mr. Chairman, first I want to commend the membership of the Committee on Education and Labor for bringing this legislation to the floor of the House for our consideration.

I realize that there are a number of provisions in this bill that are not completely satisfactory to each and all of the Members of the House. I do think, however, that, generally speaking, the committee has done well in working out legislation on an extremely complicated and difficult problem.

The Fourth District of Kansas is particularly interested in this legislation for the reason that our district is one of

those that includes a number of defense-impacted areas. It is necessary that the assistance provided in this legislation be approved in order that the children in such areas be given opportunity for education. The local taxing districts are presently contributing all they can provide under the law.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Chairman, the House in previous actions has already approved the principle of granting Federal assistance in financing schools to the many communities in this country who have been deprived of tax revenue by virtue of the occupation of valuable land by the United States Government. The measure we have under consideration merely implements that action and carries out the intent of Congress.

I have spoken several times before on this subject. So have many of my colleagues. It is unnecessary for me to burden the House with a repetition of the arguments previously advanced. They are sound and valid arguments, arguments that have been accepted as such by the majority of the Members of this body.

But since one of the counties I have the honor to represent in Congress, namely, Arlington County, has been mentioned in past debate as an example and is known to most Members, I feel it incumbent upon me to point out that 17 percent of the total area of his county is owned and occupied by Uncle Sam. Mr. Chairman, this is not wasteland that would produce little or no taxable revenue. These Federal holdings have been taken from the most valuable land areas in the county. The commissioner of revenue of Arlington County has estimated that taxes lost by reason of Government land ownership amount to the staggering sum of $4,962,223 a year while all other properties in the entire county yield only $6,096,888. In other words, the value of the federally owned property amounts to 45 percent of the total value of the entire community.

This represents, in my opinion, Mr. Chairman, one of the most flagrant examples of tax chiseling in the history of our country. And the tax evader in this case is none other than the United States Government. Scores of other communities throughout the Nation are affected to a lesser extent. They find themselves unable to provide the necessary services to their citizens without the assistance of the Government.

It is not an exaggeration to say that without aid to compensate for Government tax evasion the educational facilities provided by many counties in America would be seriously impaired. Every American child is entitled by birthright to a decent education. But unless Uncle Sam stops removing taxable land and property from the tax rolls; or unless this Government compensates for such tax evasion, thousands of kids will be deprived of one of the greatest assets of our form of government—a public education.

We must not permit the Federal Government to evade its just obligations at the expense of our children. We must insist that adequate measures be provided to alleviate the plight which many communities, including those in my own district, find themselves facing. We must in one way or another make up for the loss in tax revenue occasioned by Government ownership and occupation of large land areas.

The measure we are considering today is an important measure not only because it is a just measure, but more important, it deals with the future welfare of our children. We must provide them with the opportunity to a free education. We must give them good teachers and decent educational facilities.

Mr. Chairman, I sincerely hope that sometime in the near future this Congress will adopt a sound program which will deal with the problem of tax-free Government lands. I have given much thought to this problem and I believe that we can work out a plan acceptable to both the Government and the affected communities which will take Uncle Sam off the list of tax evaders. I believe that a program of Government compensation in lieu of taxes is the most sensible solution to this vexing problem. Under such a program it will no longer be necessary to depend on Federal educational grants. Mr. Chairman, I intend to introduce such a bill in the immediate future after consultation with some of the best tax experts in the Nation.

Mr. McCONNELL. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, we were asked during last week's debate, by the gentleman from Kentucky [Mr. GOLDEN] about the Wolf Creek Dam and Reservoir.

Wolf Creek Dam and Reservoir is a Federal project located in Wayne County, Ky. The project involves 90,409 acres of Federal property acquired in 1949, and Wayne County receives approximately $5,500 per year under section 2 of Public Law 874—payment in lieu of taxes.

Russell County has approximately 10 3A pupils and 110 3B pupils for which they receive a payment of approximately $11,000. With the same number of children they will receive about $14,000 under H. R. 6078. This increase is brought about by the amendment which places a floor in computing the local contribution rate—the local contribution rate has been approximately $44 per pupil and will be raised to about $57.50 per pupil.

In closing I would like to do something I have not done before in either of these debates; I would like very much to pay tribute to my colleagues on the Committee on Education and Labor. It has been a joy for me to work with them. They have given me their confidence and their loyalty which I prize very highly. I cannot say how much I have felt the real honor that I have received in being able to associate with these men in working out this legislation which is so difficult and so emotionally charged.

I want to pay a public tribute to the men and also I want to pay special tribute to the ranking minority member, the gentleman from North Carolina [Mr. BARDEN]. He and I have cooperated on many pieces of legislation, and I have learned to value his counsel highly.

Mr. BARDEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. JARMAN].

Mr. JARMAN. Mr. Chairman, though H. R. 6078 does not make the provision for federally impacted areas that our school needs require and for which we had hoped, still we all recognize the financial demands upon our Federal Government. Under all the circumstances, the committee has done a fine, impartial job and I rise at this time to pay tribute to the work of the committee.

Mr. BARDEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. MILLER].

Mr. MILLER of Kansas. Mr. Chairman, I wish to express my appreciation for the fine, thorough manner in which our chairman has conducted these hearings and brought forth this bill. I am in thorough accord with its provisions.

This bill provides equal justice, as nearly as may be, to all school districts anywhere within the borders of the United States.

I am sorry I cannot say as much for the bill which passed the House last week, providing for buildings and facilities in impacted districts. I advocated and voted for the Elliott amendment which provided equal treatment in all cases, even though some school officials were derelict in the performance of their duties. I still think that as a matter of common justice this amendment should have passed. In my opinion, denial of housing and facilities to schoolchildren is not a good way to balance the budget. This bill contains no such deficiency and should be passed.

GENERAL LEAVE TO EXTEND

Mr. BARDEN. Mr. Chairman, I would like to make the general request that all Members have the right to revise and extend their remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The time of the gentleman from North Carolina has expired; all time under the rule has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That (a) the first sentence of section 2 (a) of the act of September 30, 1950 (Public Law 874, 81st Cong.), is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal year."

(b) Such section 2 (a) is further amended by inserting "with respect to the property so acquired" after the phrase "other Federal payments" wherever such phrase appears therein.

(c) Section 2 (b) (1) of such act is amended by inserting after "act" the following: ", and property taxes paid with respect to Federal property, whether or not such taxes are paid by the United States."

SEC. 2. (a) (1) Subsections (a) and (b) of section 3 of such act are amended to read as follows:

"CHILDREN RESIDING ON, OR WHOSE PARENTS ARE EMPLOYED ON, FEDERAL PROPERTY

"Children of persons who reside and work on Federal property

"SEC. 3. (a) For the purpose of computing the amount to which a local educational

agency is entitled under this section for any fiscal year ending prior to July 1, 1956, the Commissioner shall determine the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding fiscal year, and who, while in attendance at such schools, resided on Federal property and (1) did so with a parent employed on Federal property situated in whole or in part in the same State as the school district of such agency or situated within reasonable commuting distance from the school district of such agency, or (2) had a parent who was on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949).

"Children of persons who reside or work on Federal property

"(b) For such purpose, the Commissioner shall also determine the number of children who were in average daily attendance at the schools of a local educational agency, and for whom such agency provided free public education, during the preceding fiscal year (other than those specified in subsection (a) hereof) and who, while in attendance at such schools, either resided on Federal property, or resided with a parent employed on Federal property situated in whole or in part in the same State as such agency or situated within reasonable commuting distance from the school district of such agency."

(2) Such section is further amended by striking out subsections (d), (e), and (f), by redesignating subsections (c) and (g) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"Computation of amount of entitlement

"(c) (1) The amount to which a local educational agency is entitled under this section for any fiscal year ending prior to July 1, 1956, shall be an amount equal to (A) the local contribution rate (determined under subsection (d)) multiplied by (B) the sum of the number of children determined under subsection (a) and one-half of the number determined under subsection (b), minus 2 percent of the difference between such sum and the total number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding fiscal year; except that no local educational agency shall be entitled to any payment under this section for any fiscal year unless the sum of the number of children determined under subsection (a) and one-half of the number of children determined under subsection (b) is 10 or more. Notwithstanding the foregoing provisions of this paragraph, whenever and to the extent that, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this act, the Commissioner may waive or reduce the 2 percent deduction, or the requirement of 10 or more children, contained in this paragraph, or both. Notwithstanding the foregoing provisions of this paragraph, where the average daily attendance at the schools of any local educational agency during the fiscal year ending June 30, 1939, exceeded 35,000, there shall be a 3 percent deduction in lieu of the 2 percent deduction specified in the first sentence of this paragraph, and the second sentence of this paragraph shall not apply.

"(2) If—

"(A) the amount computed under paragraph (1) for a local educational agency for any fiscal year ending prior to July 1, 1956, together with the funds available to such agency from State, local, and other Federal sources (including funds available under section 4 of this act), is, in the judgment of the Commissioner, less than the amount necessary to enable such agency to provide a level of education equivalent to that maintained in the school districts of the State which, in the judgment of the Commissioner are generally comparable to the school district of such agency;

"(B) such agency is, in the judgment of the Commissioner, making a reasonable tax effort and exercising due diligence in availing itself of State and other financial assistance;

"(C) not less than 50 percent of the total number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding fiscal year resided on Federal property; and

"(D) effective for the fiscal year beginning July 1, 1955, the eligibility of such agency under State law for State aid with respect to the free public education of children residing on Federal property, and the amount of such aid, is determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount thereof, with respect to the free public education of other children in the State,

the Commissioner may increase the amount computed under paragraph (1) to the extent necessary to enable such agency to provide a level of education equivalent to that maintained in such comparable school districts; except that this paragraph shall in no case operate to increase the amount computed for any fiscal year under paragraph (1) for a local educational agency above the amount determined by the Commissioner to be the cost per pupil of providing a level of education equivalent to that maintained in such comparable school districts, multiplied by the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding year and who resided on Federal property during such preceding year, minus the amount of State aid which the Commissioner determines to be available with respect to such children for the year for which the computation is being made."

(b) (1) So much of the subsection of such section 3 herein redesignated as subsection (d) as precedes clause (1) thereof is amended to read as follows:

"Local contribution rate

"(d) The local contribution rate for a local educational agency (other than a local educational agency in Alaska, Hawaii, Puerto Rico, Guam, Wake Island, or the Virgin Islands) for any fiscal year shall be computed by the Commissioner of Education, after consultation with the State educational agency and the local educational agency, in the following manner:".

(2) Clause (1) of such subsection is amended by striking out "most nearly comparable" and inserting in lieu thereof "generally comparable".

(c) Such subsection is further amended by adding at the end thereof the following new sentences: "In no event shall the local contribution rate for any local educational agency in any State in the continental United States for any fiscal year be less than 50 percent of (i) the aggregate current expenditures, during the second fiscal year preceding such fiscal year, made by all local educational agencies in such State (without regard to the source of the funds from which such expenditures were made), divided by (ii) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year. The local contribution rate for any local educational agency in Alaska, Hawaii, Puerto Rico, Guam, Wake Island, or the Virgin Islands, shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will, in his judgment, best effectuate the purposes of this act and most nearly approximate the policies and principles provided herein for determining local contribution rates in other States."

(d) The subsection of such section herein redesignated as subsection (e) is amended by inserting "(other than subsection (c) (2) thereof)" after "this section". The second parenthetical clause contained in such subsection is amended to read as follows: "(but only to the extent such payments are not deducted under the last sentence of section 2 (a)); and, in the case of Federal payments representing an allotment to the local educational agency from United States Forestry Reserve funds, Taylor Grazing Act funds, United States Mineral Lease Royalty funds, Migratory Bird Conservation Act funds, or similar funds, only to the extent that children who reside on or with a parent employed on the property with respect to which such funds are paid are included in determining the amount to which such agency is entitled under this section)".

SEC. 3. Subsection (a) of section 4 of such act is amended to read as follows:

"Increases hereafter, occurring

"SEC. 4. (a) If the Commissioner determines for any fiscal year ending prior to July 1, 1956—

"(1) that, as a direct result of activities of the United States (carried on either directly or through a contractor), an increase in the number of children in average daily attendance at the schools of any local educational agency has occurred in such fiscal year, which increase so resulting from activities of the United States is equal to at least 5 percent of the number of all children in average daily attendance at the schools of such agency during the preceding fiscal year; and

"(2) that such activities of the United States have placed on such agency a substantial and continuing financial burden; and

"(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to secure sufficient funds to meet the increased educational costs involved,

then such agency shall be entitled to receive for such fiscal year an amount equal to the product of—

"(A) the number of children which the Commissioner determines to be the increase, so resulting from activities of the United States, in such year in average daily attendance; and

"(B) the amount which the Commissioner determines to be the current expenditures per child necessary to provide free public education to such additional children during such year, minus the amount which the Commissioner determines to be available from State, local, and Federal sources for such purpose (not counting as available for such purpose either payments under section 2 of this act or funds from local sources necessary to provide free public education to other children).

For the next fiscal year (except where the determination under the preceding sentence has been made with respect to the fiscal year ending June 30, 1956) such agency shall be entitled to receive 50 percent of such product, but not to exceed for such year the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the school districts in such State which in his judgment are generally comparable to the school district of such agency. The determinations whether an increase has occurred for purposes of clause (1) hereof and whether such increase meets the 5-percent requirement contained in such clause, for any fiscal year, shall be made on the basis of estimates by the Commissioner made prior

to the close of such year, except that an underestimate made by the Commissioner pursuant to the foregoing provisions of this sentence shall not operate to deprive an agency of its entitlement to any payments under this section to which it would be entitled had the estimate been accurate. The determination under clause (B) shall be made by the Commissioner after considering the current expenditures per child in providing free public education in those school districts in the State which, in the judgment of the Commissioner, are generally comparable to the school district of the local educational agency for which the computation is being made."

SEC. 4. Subsection (c) of section 4 of such act is amended to read as follows:

"Counting of certain children

"(c) In determining under subsection (a) whether there has been an increase in attendance in any fiscal year directly resulting from activities of the United States and the number of children with respect to whom payment is to be made for any fiscal year, the Commissioner shall not count children whose attendance is attributable to activities of the United States carried on in connection with real property which has been excluded from the definition of Federal property by the last sentence of paragraph (1) of section 9, but shall count as an increase directly resulting from activities of the United States an increase in the number of children who reside on Federal property or reside with a parent employed on Federal property."

SEC. 5. Subsection (d) of section 4 of such act is amended to read as follows:

"Adjustment for certain decreases in Federal activities

"(d) Whenever the Commissioner determines that—

"(1) a local educational agency has made preparations to provide during a fiscal year free public education for a certain number of children to whom subsection (a) applies;

"(2) such preparations were in his judgment reasonable in the light of the information available to such agency at the time such preparations were made; and

"(3) such number has been substantially reduced by reason of a decrease in or cessation of Federal activities or by reason of a failure of any such activities to occur,

the amount to which such agency is otherwise entitled under this section for such year shall be increased to the amount to which, in the judgment of the Commissioner, such agency would have been entitled but for such decrease in or cessation of Federal activities or the failure of such activities to occur, minus any reduction in current expenditures for such year which the Commissioner determines that such agency has effected, or reasonably should have effected, by reason of such decrease in or cessation of Federal activities or the failure of such activities to occur."

SEC. 6. Subsection (b) of section 5 of such act is amended to read as follows:

"Payment

"(b) The Commissioner shall, subject to the provisions of subsection (c), from time to time pay to each local educational agency, in advance or otherwise, the amount which he estimates such agency is entitled to receive under this act. Such estimates shall take into account the extent (if any) to which any previous estimate of the amount to be paid such agency under this act (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it. Such payments shall be made through the disbursing facilities of the Department of the Treasury and prior to audit or settlement by the General Accounting Office."

SEC. 7. Subsection (c) of section 5 of such act is amended to read as follows:

"Adjustments where necessitated by appropriations

"(c) If the funds appropriated for a fiscal year for making the payments provided in this act are not sufficient to pay in full the total amounts to which all local educational agencies are entitled, the Commissioner shall, subject to any limitation contained in the act appropriating such funds, allocate such funds, other than so much thereof as he estimates to be required for section 6, among sections 2, 3, and 4 (a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections. The amount thus allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section (including, in the case of section 3, any increases under subsection (c) (2) thereof), such percentage to be equal to the percentage which the total funds available for the fiscal year for all such sections is of the total of the amounts the Commissioner estimates to be required under all such sections. In case the amount so allocated to a section for a fiscal year exceeds the total to which all local educational agencies are entitled under such section for such year or in case additional funds become available for carrying out such sections, the excess, or such additional funds, as the case may be, shall be allocated by the Commissioner, among the sections for which the previous allocations are inadequate, on the same basis as is provided above for the initial allocation."

SEC. 8. (a) Section 6 of such act is amended by inserting "(a)" after "SEC. 6."

(b) Such section is further amended by striking out the second sentence and inserting the following in lieu thereof: "To the maximum extent practicable, the local educational agency, or the head of the Federal department or agency, with which any arrangement is made under this section shall take such action as may be necessary to insure that the education provided pursuant to such arrangement is comparable to free public education provided for children in comparable communities in the State, or, in the case of education provided under this section outside the continental United States, Alaska, and Hawaii, comparable to free public education provided for children in the District of Columbia. For the purpose of providing such comparable education, personnel may be employed without regard to the civil-service or classification laws."

(c) Such section is further amended by adding at the end thereof the following new subsections:

"(b) In any case in which the Commissioner makes such arrangements for the provision of free public education in facilities situated on Federal property, he may also make arrangements for providing free public education in such facilities for children residing in any area adjacent to such property with a parent who, during some portion of the fiscal year in which such education is provided, was employed on such property, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provision of such education is appropriate to carry out the purposes of this act, (2) that no local educational agency is able to provide suitable free public education for such children, and (3) in any case where in the judgment of the Commissioner the need for the provision of such education will not be temporary in duration, that the local educational agency of the school district in which such children reside, or the State educational agency, or both, will make reasonable tuition payments to the Commissioner for the education of such children. Such payments may be made either directly or through deductions from amounts to which the local educational agency is entitled under this act, or both, as may be agreed upon between such agency and the Commissioner. Any amounts paid to the Commissioner by a State or local educational agency pursuant to this section shall be covered into the Treasury as miscellaneous receipts.

"(c) In any case in which the Commissioner makes arrangements under this section for the provision of free public education in facilities situated on Federal property in Puerto Rico, Guam, Wake Island, or the Virgin Islands, he may also make arrangements for providing free public education in such facilities for children residing with a parent employed by the United States, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provision of such education is appropriate to carry out the purposes of this act, and (2) that no local educational agency is able to provide suitable free public education for such children.

"(d) The Commissioner may make an arrangement under this section only with a local educational agency or with the head of the Federal department or agency administering the Federal property on which the education is to be provided. Arrangements may be made under this section only for the provision of education in facilities situated on Federal property.

"(e) To the maximum extent practicable, the Commissioner shall limit the total payments made pursuant to any such arrangement for educating children within the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the per pupil cost of free public education provided for children in comparable communities in the State. The Commissioner shall limit the total payments made pursuant to any such arrangement for educating children outside the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the amount he determines to be necessary to provide education comparable to the free public education provided for children in the District of Columbia.

"(f) In the administration of this section, the Commissioner shall not exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system."

SEC. 9. Subsection (d) of section 8 of such act is amended to read as follows:

"(d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this act, shall be available during the period beginning July 1, 1954, and ending June 30, 1956, for the employment of teaching personnel for the provision of free public education for children in any State or for payments to any local educational agency (directly or through the State educational agency) for free public education for children, except that nothing in the foregoing provisions of this subsection shall affect the availability of appropriations for the maintenance and operation of school facilities (1) on Federal property under the control of the Atomic Energy Commission or (2) by the Bureau of Indian Affairs."

SEC. 10. (a) The second sentence of section 9 (1) of such act is amended to read as follows: "Such term includes real property which is owned by the United States and leased therefrom and the improvements thereon, even though the lessee's interest, or any improvement on such property, is subject to taxation by a State or a political subdivision of a State or by the District of Columbia." The last sentence of such section 9 (1) is amended by striking out "Such" and inserting in lieu thereof "Notwithstanding the foregoing provisions of this paragraph, such."

(b) Section 9 (8) of such act is amended by inserting immediately after the words "Puerto Rico," the words "Guam, Wake Island,".

SEC. 11. Such act is amended by adding at the end thereof the following new section:

"Election to receive certain payments with respect to the education of Indian children

"SEC. 10. (a) The Governor of any State may elect to have the provisions of this section apply with respect to such State for the fiscal year ending June 30, 1955, or the succeeding fiscal year. Notice of such an election shall be filed with the Secretary of the Interior and with the Commissioner of Education (1) before January 1, 1954, in the case of an election for the fiscal year ending June 30, 1955, and (2) before January 1, 1955, in the case of an election for the fiscal year ending June 30, 1956.

"(b) Whenever the Governor of a State has made such an election and has so filed notice thereof, then with respect to such State for the fiscal year for which such election was made—

"(1) an Indian child who does not meet the requirements of clause (1) of section 3 (a) shall be deemed to meet such requirements if neither of his parents was regularly employed on non-Federal property; and

"(2) notwithstanding the second sentence of section 9 (2), the term 'child' as used in this act (other than section 6) shall be deemed to include an Indian child.

"(c) As used in this section, the term 'Indian child' means any child of one-fourth or more degree of Indian blood who is recognized as such under the laws of the United States relating to Indian affairs."

SEC. 12. (a) Except where a different effective date is specified, the amendments made by the preceding sections of this act shall become effective July 1, 1954. In the case of any local educational agency which was entitled to payments for the fiscal year ending June 30, 1954, under section 4 (a) of the act of September 30, 1950, as in effect prior to the enactment of this act, with respect to an increase in average daily attendance occurring in such fiscal year, such agency shall be entitled to payments for the fiscal year ending June 30, 1955, in accordance with the provisions following clause (B) of such section as amended by this act; and for such purpose the amount to which such agency was so entitled for the fiscal year ending June 30, 1954, shall be deemed to be the product referred to in such section as amended by this act.

(b) The amendments made by the following provisions of this act shall become effective as of July 1, 1953:

(1) Subsections (b) and (c) of the first section;

(2) Subsections (b) (1) and (c) of section 2, and the second sentence of subsection (d) of such section 2;

(3) Section 8; and

(4) Subsection (a) of section 10.

Mr. McCONNELL (interrupting the reading). Mr. Chairman, I ask unanimous consent that the bill may be considered as read, be printed in the RECORD, and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOSMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSMER: Page 21, strike out lines 12 to 19, inclusive, and insert in lieu thereof the following:

"(b) The amendments made by the following provisions of this act shall become effective as of July 1, 1953:

"(1) Subsection (b) of the first section;

"(2) Subsections (b) (1) and (c) of section 2, and the second sentence of subsection (d) of such section 2; and

"(3) Section 8.

"(c) The amendments made by subsection (c) of the first section and subsection (a) of section 10 shall become effective as of July 1, 1952. Any unobligated portion of appropriations made for the fiscal year ending June 30, 1953, for payments to local educational agencies as authorized by the act of September 30, 1950, shall be available during the fiscal year ending June 30, 1954, to carry out such amendments with respect to the fiscal year ending June 30, 1953."

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield.

Mr. McCONNELL. I have discussed this amendment with my colleagues on this side and I believe the same feeling prevails on the other side—they can speak for themselves—but, as far as our side is concerned, we are quite willing to accept the amendment.

Mr. HOSMER. I thank the distinguished gentleman and his committee for their kindness and understanding in this connection.

Mr. BARDEN. Mr. Chairman, may I say that I have no opposition to the amendment. We have discussed it quite fully and, so far as I know, the Members who are present have no objection, so we, too, accept the gentleman's amendment.

Mr. YOUNG. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada.

There was no objection.

Mr. YOUNG. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. If this amendment or similar legislation is not adopted, it will be necessary to severely curtail the activities of several schools located in the Boulder City School District in southern Nevada. I should like to briefly outline for the Members of the House the problem that is faced by these schools.

Boulder City, Nev., is a Federal municipality located a few miles north of Hoover Dam. Boulder City is operated by the Bureau of Reclamation and contains the headquarters of several Federal agencies which are concerned with the operation of Hoover Dam and the Lake Mead area. It is also the regional headquarters of the Bureau of Reclamation. It also has a Bureau of Mines experimental station and the National Park Service within its city limits.

Prior to the passage of Public Law 874, the Boulder City School District, lying wholly within a Federal reservation of 67,200 acres, received a direct appropriation in the annual Department of Interior appropriation bill. Upon the passage of Public Law 874, the direct appropriation was discontinued. It was felt that any Federal assistance should be administered under the provisions of the newly enacted legislation.

Since September 1950, when Public Law 874 was passed, the Boulder City schools have been doing an excellent job. However, several weeks ago the Boulder City School District received a severe shock when the Department of Health, Education, and Welfare notified the district of a legal interpretation which threatens to cut off Federal aid received under the provisions of Public Law 874 by an estimated $70,000.

This decision that school funds must be cut was based on a new interpretation of Federal property contained in the act. This definition reads as follows:

SEC. 9. (1) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State.

In Boulder City the Federal Government has entered into leases with the local residents on the ground covering their homes or businesses. The amount of acreage covered by these leaseholds amounts to approximately 674 acres out of a total of 67,200 acres in the Federal reservation, or just about 1 percent of the total. Of course, this leased land belongs to the United States and is not subject to any State tax; but a leasehold interest held by a private citizen is taxable, and Clark County has applied a school tax on the possessory interest in these leaseholds. The lawyers in the Department of Health, Education, and Welfare have now held that, by so doing, the county has eliminated all these leased lands from being considered in determining the entitlement of the local schools under Public Law 874. While these 674 acres constitute only about 1 percent of the total acreage in the Federal reservation, this leased property generates over one-half of the local enrollment in the schools. Thus, under this new interpretation the Boulder City schools stand to lose an estimated $70,000 in Federal funds because of a leasehold tax which returns approximately $2,600 per year to the county.

I wish to emphasize that unless this amendment or similar legislation is adopted, these schools will have to severely curtail their operations or possibly close down. There is absolutely no other source of revenue open to them. The unfortunate position in which the citizens of Boulder City find themselves today cannot be blamed on the Boulder City School District or the State of Nevada. It arises simply because Boulder City is a wholly owned and operated Federal installation that is dependent almost entirely for educational assistance on the Federal Government. It is my feeling that the interpretation of law made by the Department of Health, Education, and Welfare is ill advised and not in keeping with the spirit of the law or with the intent of Congress. It is rather defeating the purpose of the law which was designed to provide for the educational needs of children on Federal lands. I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HOSMER].

The amendment was agreed to.

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: Page 4, line 17, after "or both", strike

out the balance of line 17 and all of lines 18, 19, 20, 21, 22, 23 and 24.

Mr. ROGERS of Colorado. Mr. Chairman, this is the amendment I made reference to in general debate. It has as its purpose the formula being equalized for all districts that may be affected by the Federal impactment of defense areas. As most of you know, under the present situation if a 2 percent impactment has been brought about then that district must absorb, but under the wording that I have proposed that we strike, if a school district on June 30, 1939, had as many as 35,000 pupils then they will be required to absorb 3 percent before they are eligible for payment under this bill.

I ask the question, Why is this fair? Why is it not proper that all districts absorb Federal impactment in the same percentage? There is no formula that has been in existence where we have based it upon percentage until this comes along.

Under Public Law 874 they were required to have at least 6 percent if they had a school district of 35,000 or more in existence on June 30, 1939, and if they then became eligible they were paid. But now you are changing the formula and as you change the formula, all I ask of you is that you make it an equalizing formula so that all school districts shall be treated alike and when I say "treated alike" in order for a school district of 10,000 pupils, as an example, to become eligible for aid under this bill they must absorb 2 percent of that or 200 pupils. If it is a school district of 50,000 as is the situation in my city, then that school district must absorb not 1,000 pupils as the rest of them would but it must absorb 1,500 before they are eligible.

What I want to know is why in the adoption of a new formula do you start out in a discriminatory manner? I say it is discrimination and rank discrimination because if you have a small school district of 100 pupils then you only have to absorb 2 before you are eligible.

The argument has been made that a large school district, by virtue of the fact that it may have skyscraper manufacturing plants and other values for assessment purposes for the maintenance of schools, should be able to absorb these people. Well, now, they do absorb them. The point I am trying to make is, if they had 50,000 pupils under this formula they would have to absorb 1,500, and what I want to know is why is it necessary for them to absorb 1,500 in order to be eligible to receive aid under this program? To me this is rank discrimination, not based upon any formula save and except that you reach into the air and say that because you did on June 30, 1939, have a school population of 35,000, when it does not have any relation whatsoever to your present situation, then you are penalized and have to pay 1 percent more.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. McCONNELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when we first considered this law in the Committee on Education and Labor in 1950 and the problem of giving maintenance and operation aid to school districts, the natural question arose as to what types of districts should be assisted. We were particularly disturbed about those areas where they might have had 50 or 100 or 200 pupils and all of a sudden they were confronted with several thousand pupils to educate. It created conditions which were just intolerable and inhuman. We sought, first of all, to take care of that type of condition and problem. Then we came to the situation of the larger cities and we felt that with their size they would undoubtedly receive an immediate impetus as far as business was concerned, and increased wealth, and that they were in much better shape to absorb additional pupils due to some type of Federal activity as well as due to their normal growth. With that in mind we provided a different type of approach for cities, you might say, in the larger categories. In Public Law 874, passed in 1950, we said that districts having a number of children exceeding 35,000 as of June 30, 1939, should have to have twice as high an eligibility showing in order to be able to get any aid. Then it was provided that they should absorb the first percentage of their eligibility amount. A 3-percent amount had to be absorbed and that is the law of the land today. So, we definitely discriminated as far as the large cities are concerned, and I agree with the gentleman when he said it is discrimination. We did it deliberately because we felt that the larger cities could handle their problems better than the smaller districts.

In the new bill we followed out the same general approach; in other words, the absorption idea as far as the larger cities are concerned is not a new one; it is in the law of the land today—Public Law 874. We changed some of the terms of it, but the absorption principle is there just the same.

What I also would like to say is this: The amendment offered by the gentleman strikes out all of the sentence starting with line 17 on page 4 down to line 24. That applies to how many districts in this country? I do not know. I do not know even what the cost will be.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The information given to me by the Department of Education is that it applies to 40 districts throughout the entire United States.

Mr. McCONNELL. They are the big districts.

Mr. ROGERS of Colorado. Yes.

Mr. McCONNELL. What cities would get into it, does the gentleman know? How about Chicago, New York, or Philadelphia, will they get into it?

Mr. ROGERS of Colorado. No, they would not, because under Public Law 874, so I am informed, out of the 40 who were beyond the 35,000 as of June 30, 1939, only 6 of them have qualified under Public Law 874.

Mr. McCONNELL. What would be the cost of the gentleman's amendment? Does he know for sure?

Mr. ROGERS of Colorado. The exact cost? It would depend entirely upon whether or not any one of these 40 other than these 6 would be able to show a 2 percent impactment of Federal pupils before they could ascertain the exact cost.

Mr. McCONNELL. I would say that the cost would be a very important matter we would have to consider here. The gentleman says he does not know that?

Mr. ROGERS of Colorado. You cannot ascertain the cost. First of all, there are only 40 school districts in the entire United States that had 35,000 or more pupils on June 30, 1939. As the gentleman pointed out in his statement, it was not the intention of this committee at the time Public Law 874 was passed to give anything to the larger cities. You excluded those 40. However, even in spite of the strong formula you set up, at least 6 of them qualified. Of those 40 who came into this category, only 6 qualified. As they qualified, we know how much they have received. Certainly the committee did not anticipate at that time that they would qualify.

Mr. McCONNELL. I do not say this in criticism, but it would have been very helpful to have had the gentleman appear before the committee and explain the situation prior to this time. I do not know a great deal about the possible effects of this amendment so far as cost is concerned, and the gentleman himself admits that he does not know the cost. He says 40 districts were involved and that so many of these qualified, but we do not know what amounts of money would be involved in those situations because they undoubtedly are the larger ones.

Mr. ROGERS of Colorado. As the gentleman knows, I did introduce bills in the 82d Congress and in the 83d Congress which strove to do the very thing I am asking by this amendment be done.

Mr. McCONNELL. The gentleman means striking out this section we have here?

Mr. ROGERS of Colorado. Yes. I introduced the bill in the 82d Congress and in this Congress. I did not receive any notice the committee was considering this bill. If I had known about it and had the opportunity, I would have been before the committee.

Mr. McCONNELL. I do not mean to be critical, and I would not intend that at all, for the gentleman has every right to seek to get this additional money, but how much would Denver, for instance, reecive from this? That is in the gentleman's district, I understand.

Mr. ROGERS of Colorado. At the present time we have a daily average attendance of 49,667. That is for the school year 1951 to 1952. We are getting $451,000. If the gentleman would like to have me do so, I could give him the figures as they deal with the other 5 cities and the amounts they have received within the last year.

Mr. McCONNELL. How much would Denver receive if this amendment were adopted? That is what I am asking.

Mr. ROGERS of Colorado. If this amendment were adopted we would go back to the 2 percent. I have not figured that out.

Mr. McCONNELL. The gentleman does not know how much money you would get at Denver?

Mr. ROGERS of Colorado. It would be between $600,000 and $700,00 instead of the $450,000.

Mr. McCONNELL. I am sympathetic with the gentleman but I feel that the principle we have followed, and which was considered very carefully in this committee, should be adhered to. Therefore, I oppose the amendment.

Mr. ROGERS of Colorado. I thank the gentleman for yielding to me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ROGERS].

The amendment was rejected.

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 4, line 20, after "June 30", strike out "1939" and insert "1944" and on line 21 strike out "35,000" and insert "42,000."

Mr. ROGERS of Colorado. Mr. Chairman, frankly and honestly, this amendment is for the purpose of trying to qualify my school district so that it will not be required to have the 3 percent impactment, so that it will only be required to accept the 2 percent impactment. That is the reason I have selected it, and being honest and frank with you, the figure, as it deals with the average daily attendance in the city and county of Denver for the year 1944 is actually 40,893. I have the figure 42,000 in the amendment. I point out if there are larger areas than the city and county of Denver in size—of course, we do not claim that, but if they are larger, this is a protection against the thing that you are talking about and yet gives relief to this particular area. I would like, if the committee sees fit, to permit the adoption of this amendment for the simple reason it would bring us in under the 2 percent and would not do any great damage to any other area. It is true that by raising this requirement from the year of 1939 to 1944, and raising the size of the school district, you still have the same protection as you had before. Having this protection I see no reason why it should not be adopted. I, therefore, urge that if you want to do something for a district that does have impactment that has approximately 10 percent of its school children as a result of Federal employment, here is an opportunity to do it without injuring anybody and at the same time assisting this particular area. Of course, I thought that the principle was wrong, but if the principle you are insisting upon now should be enforced, then I want it so that it will not discriminate against my district. Therefore, I ask each and every one of you to give ample consideration to this amendment and adopt it because it cannot hurt anything.

Mr. McCONNELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I might say, speaking frankly, that my opposition might be lessened if I knew what effect this proposal would have. The figure 42,000 is mentioned. Is this a tailor-made amendment just for Denver? Just why does the gentleman pick the figure 42,000?

Mr. ROGERS of Colorado. Yes; I will be frank with you; that is the year with the lowest daily attendance as it applied in the year 1944. I pointed out the average daily attendance for the year was 40,893 so if you put it at 42,000, of course, I could have put it at 41,000 and still stayed within that category but I moved it up to 42,000. I may state of those 40 who are ineligible unless they meet the 6-percent requirement in Public Law 874, we do not know what their average daily attendance was in the year 1944. But I do know that if it increased instead of decreasing, as it did in our instance, in the city and county of Denver, then they would be less able to qualify if we accepted that formula and boosted it up to 42,000 at a different date that is nearer up to date; because when you go back to 1939 you are being arbitrary, as arbitrary as you can be, because you take something 11 years ago, and this is 14 years later. You are taking a formula as of 1939. I have moved it up to 1945.

Mr. McCONNELL. It was felt that 1939 was really the beginning of the sharp upward movement of military preparation and activity. World War II was just beginning at that itme, and there were efforts being made to build up the military strength of this country.

I should like to ask the gentleman another question. It may be somewhat direct and I hope I will not embarrass him in asking it. Would any city be benefited by this except Denver?

Mr. ROGERS of Colorado. At the time that I made the inquiry, I ascertained that of the 6 cities that qualified under Public Law 874, San Francisco for the year 1944 had an average daily attendance of 57,670; Columbus, Ohio, would benefit because for the year of 1943–44 it had 37,738. San Antonio, Tex., which incidentally was disqualified by only 511, for the year 1943–44 had an average daily attendance of 35,511. The figure for Seattle, Wash., for 1943–44 would be 47,000.

Mr. McCONNELL. May I say to the gentleman that I do not know how many would come under this, of the 40 districts that he has mentioned, nor what the cost would be, and I am fearful that in accepting this amendment, much as I should like to help the gentleman in a personal way, it would seem to me that we would be legislating for some particular situation without knowing its effect on the overall picture. For that reason I am inclined to stay as I was in opposing any change in this section.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield to me further?

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCONNELL. Mr. Chairman, I yield myself 2 additional minutes and yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Perhaps in my anxiety to explain my own situation I may have emphasized too much the interest that I had, as it affected my own particular district. I am sure the gentleman recognizes that as I went into this matter I tried to visualize the possibilities of other areas. As I made my investigation I found these cases to which I have referred of San Francisco, San Antonio, Tex., Columbus, Ohio, and Hawaii and Seattle. My amendment does not change the situation as it deals with San Francisco. It probably would change the situation as it deals with Columbus, Ohio, and San Antonio, Tex. But it would not change the situation as to Seattle or Hawaii; that is, my last amendment would not.

Mr. McCONNELL. Would not the gentleman say that Denver has been helped considerably by Federal activities out there? I was in Denver not so long ago and my impression was that Denver had received great benefits from Federal activities and probably could afford to take care of her own situation.

Mr. ROGERS of Colorado. I would be the last to say that Denver has not benefited a tremendous amount as a result of the war effort; there is the Lowry Air Force Base, there is the Fitzsimons Hospital, and several other installations. But the point I am trying to make is that Denver has gone along and, as I pointed out earlier, has bonded itself for $51 million and we were unable to get anything out of Public Law 815. As a result we now have a tax levy in excess of 23 mills and we now have a double shift in our school system. If the figures given me are correct, and they are up to the points of the estimates, the estimates would show that during the school year 1954–55 we are going to get 10 to 20 percent of the Federal impact pupils. Inasmuch as the city and county of Denver itself has a high mill rate, have bonded themselves heavily to build new schools, are doubling up in the use of their school facilities but still have a shortage, these are the reasons why I am interested in seeing that they get as much as possible to carry out the work.

Mr. BARDEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with great reluctance I have to oppose my friend the gentleman from Colorado, but I would not like to see him strike such a fatal blow to this piece of legislation. He proposes to strike out about eight lines, and I am frank to say to him that I doubt if he recognizes the importance or the effect that would have on the bill. He stated that we reached up in the air and came down with some figures; I think the gentleman reached up in the air and come down with Denver.

Mr. ROGERS of Colorado. And I want to hold on to it.

Mr. BARDEN. I doubt if there is a Member of the House who could not make the same speech for his district and try to improve the appropriation for his district. Anyone who has a defense activity in his district could make the same speech and find something in the bill that he could loosen up whereby he would get more money. If we did that then of course the proper thing for us to do would be to let each one introduce a private bill and have a private calendar day. If we did that I am sure neither the Appropriations Committee nor the Treasury would ever know the real final effect. So I hope the committee will approve the bill as it is written.

This particular section was carefully drawn. I regret that Denver does not get as much money as the gentleman would like; at the same time I think all of the affected areas are treated as nearly fair as it were possible for the committee to treat them.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was rejected.

Mr. HAGEN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAGEN of California: On page 3, line 25, after "and", strike out "one-half" and insert "60 percent."

Mr. HAGEN of California. Mr. Chairman, I hope I am seeking to amend the proper language. On the bottom of page 3, the last line, I am striking out "one-half" and substituting "60 percent" which I understand is the section dealing with the contribution for these half pupils or what have been referred to as half pupils. That is, students whose parents do not both reside or work on Federal property, students whose parents might only fill one of those qualifications.

In section (a), the former double qualification case, the Federal contribution is 100 percent. Heretofore in the single qualification case it has only been 50 percent.

On page 8 of the committee report it is stated:

In determining numbers of federally connected children (and of non-federally-connected children) for purposes of this absorption requirement, children who either reside on Federal property or reside with a parent employed on Federal property, but not both, would count half as much as children who both reside on Federal property and whose parents work on such property. This difference in treatment is based, as is the difference in treatment under existing law, on the assumption that, on the average, about half the local share of the cost of public education comes from residential property taxes and half from taxes on other property.

I do not think that that is literally true from what knowledge I have of the operation of the ad valorem tax laws in the State of California. As a matter of fact, in California and in many other States there have been serious efforts made to eliminate entirely the taxation on personal property because it is such a difficult kind of property to tax. Actually the cost in terms of assessment is very close to the amount of revenue derived. It is for that reason considered a very poor tax and one that does not yield any substantial amount of tax revenue.

This 50-percent assumption is based on the theory that the personal property tax will make the contribution to the education of these students. I do not think that is literally true. Also in my area, the districts which participate in this program are situated by and large in the desert. The employees of a typical military installation may not have been there in the area on tax day and their trailers and automobiles would make no contribution to the district whatsoever. It is extremely likely that there is a great deal of that temporary type of housing which does not qualify for the real property tax rolls on any occasion. You therefore create a real problem.

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield to the gentleman from Pennsylvania.

Mr. McCONNELL. There is one question I would like to ask very much. Why the 60 percent?

Mr. HAGEN of California. Mr. Chairman, I have no exact knowledge of what that would add to the cost, but I think it is really an improvement over the existing 50 percent.

Mr. McCONNELL. I was not thinking of cost. I was wondering if the gentleman had some specific reason why he asked for 60 percent. Our experience has been that about 50 percent of local taxation and local funds approximately is the correct amount. It may vary in certain sections, but the general average is about 50 percent. That is why the general approach has been to one-half rather than 60 percent. That figure of 60 percent is a new one which I have not heard in connection with this particular situation. I was wondering why the gentleman had selected 60 percent.

Mr. HAGEN of California. I just picked that out of the air. I figured any increase would be an improvement and that this is a reasonable amount. In these areas you do not have a stable community around a military facility, shall we say, it is out there on the desert, the workmen are there durance vile, they do not build homes out there and it is a little different situation.

Mr. POWELL. Mr. Chairman, in voting on these bills—H. R. 6049 and H. R. 6078—every Member should realize that he is writing a blank check for those States that maintain separate school systems based on race.

We are writing a blank check for two reasons. First, I have the figures showing the number of school districts which have received allotments to construct projects under Public Law 815 in States which require segregation. There are over 500 such projects, but no State is obligated to tell the Federal Government whether a single one of these schools will be open to colored children. In other words, we are telling those States that segregate to do whatever they feel they can get away with. Second, it is well known that serious inequalities exist in the separate school States. These inequalities are now under attack in the courts and some States are vainly trying to remedy their past failures by levying special taxes and seeking new sources of revenue. We have no way of knowing, under the language of these bills, whether some of the local communities are using these funds to perform educational functions that they have failed to perform out of their regular tax revenue.

With few exceptions, members of the majority party come from States where segregation is not required by law. Would it not be fair to the people of your State to make certain that their tax money is not being used to support and more firmly entrench a costly system of dual schools? What would the people of Ohio, Pennsylvania, and my own State of New York say if you asked them to dig down in their pockets and make contributions to keep segregation in the schools of South Carolina. I am sure you would not get much money that way and it is even possible that some who solicited such contributions would be removed from this body in the next election. Yet we go into the pockets of these same people without their consent by approving the expenditure of their tax money without any safeguards against segregation.

Schools by States

Alabama	60
Arkansas	39
Florida	27
Georgia	68
Kentucky	22
Louisiana	16
Maryland	23
Missouri	39
Mississippi	22
North Carolina	17
Oklahoma	39
South Carolina	30
Tennessee	34
Texas	102
Virginia	38

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HAGEN].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SCRIVNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6078) to amend Public Law 874 of the 81st Congress so as to make improvements in its provisions and extend its duration for a 2-year period, and for other purposes, pursuant to House Resolution 317, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. McCONNELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WASHINGTON STATE THIRD INTERNATIONAL TRADE FAIR

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the im-

mediate consideration of the joint resolution (H. J. Res. 293) to permit articles imported from foreign countries for the purpose of exhibition at the Washington State Third International Trade Fair, Seattle, Wash., to be admitted without payment of tariff, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That all articles which shall be imported from foreign countries for the purpose of exhibition at the Washington State Third International Trade Fair, to be held at Seattle, Wash., from February 11 to February 24, 1954, inclusive, by the International Trade Fair, Inc., a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within 3 months after the close of the said trade fair to sell within the area of the trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided,* That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further,* That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further,* That at any time during or within 3 months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further,* That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further,* That the International Trade Fair, Inc., a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this joint resolution, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this joint resolution, shall be reimbursed by the International Trade Fair, Inc., a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C., 1946 ed., title 19, sec. 1524).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. PELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington.

There was no objection.

Mr. PELLY. Mr. Speaker, this joint resolution, House Joint Resolution 293, follows the pattern of previous legislation enacted by the Congress in connection with various international fairs and exhibitions held in the United States. It has long been the policy of the Congress to encourage participation of foreign countries in trade fairs held in the United States by permitting articles for exhibit to be entered free of import duties and charges under safeguarding regulations of the Secretary of the Treasury.

The Washington State Third International Trade Fair is to be held in Seattle, Wash., from February 11 to 24, 1954, inclusive, by the International Trade Fair, Inc., a State of Washington corporation financially supported by the State of Washington, various port authorities, and private corporations and individuals. The purpose is to foster world trade and goodwill between nations.

The joint resolution provides that the imported articles for exhibit shall not be subject to marking requirements of the general tariff laws except when such articles or samples are withdrawn for consumption or use in the United States. Articles so admitted may be lawfully sold within 3 months after the close of the fair.

The language of the resolution is identical in terms with that approved in earlier legislation providing for the free importation of goods for display at other trade fairs.

SPECIAL ORDER GRANTED

Mr. SMITH of Wisconsin asked and was given permission to address the House for 30 minutes on tomorrow following any special orders heretofore entered.

SOCIAL-SECURITY PROGRAM

The SPEAKER. Under previous order of the House, the gentleman from New Jersey [Mr. KEAN] is recognized for 30 minutes.

Mr. KEAN. Mr. Speaker, further improvements are needed in our social-security program. However, these improvements should be built upon the basic principles of our present program, for they are sound.

What are these basic principles?

First, benefits should be paid as a matter of right without a means test. The assurance of such payments irrespective of the need of an individual stimulates his incentive to add personal insurance and savings to his basic security acquired through the social-security system. This earned right to benefits without regard to need is the most important and essential principle in our present program.

Second, the program should be financed by contributions from both employers and employees on a percentage of payroll. This insures that management, labor, and the general public will take a responsible interest in the program. If all the cost were borne out of general revenues we certainly would not have as sound a system as we have now with employer-employee financing and concern.

Third, benefits should be related to wages. This principle is in accord with our American system of free enterprise and incentives. The worker who earns more should get more. Of course, we must have a reasonable minimum and certain maximum payments, but if we were to establish a flat uniform amount for everyone we would either have to set the amount so low that most people in the industrial states and urban areas would be dissatisfied, or so high that it would cost too much to carry.

The improvements that I have recommended for the program have in no way endangered these principles.

Over 4 years ago I introduced a bill to extend coverage under the Federal old-age and survivors insurance program, to liberalize the retirement test, increase benefits, and make other improvements in the insurance program. Many of these proposals were adopted in the Social Security Act amendments of 1950.

In 1952, I introduced a bill to increase old-age and survivors insurance benefits and to provide for a waiver of insurance premiums for persons who became permanently and totally disabled. The latter proposal was passed by the House but is not now in the law.

The present law still needs further improvement. I have introduced three bills—H. R. 3608, H. R. 4160, and H. R. 5533—this year which would increase insurance benefits and help strengthen and improve the system.

MY FIVE-POINT PROGRAM

The three bills I have already introduced provide for five improvements. These improvements are:

First. Extension of coverage to millions now excluded from the insurance system.

Second. Increase in the retirement test from $75 to $100 a month.

Third. Waiver of insurance premiums for persons becoming permanently and totally disabled.

Fourth. Provision of rehabilitation services to insured persons becoming permanently and totally disabled.

Fifth. Use of the best 10 years in computing the average monthly wage for benefit purposes, instead of lifetime earnings.

These five improvements can be made without increasing the contribution schedule in the present law. They can

be made without impairing the actuarial soundness of the present plan.

Every single day that passes sees the number of aged of our country increase by 1,000.

Today we have 13,500,000 persons, age 65 and over. This number is increasing about 1 million every 3 years.

If the present trend continues by 1960 we will have close to 15,500,000 persons age 65 and over; by 1970, over 18 million persons; and by 1980, over 22 million persons.

Not only is the number of aged persons increasing but the proportion of the aged in our total population is also increasing. In 1900, only 4 percent of the population was age 65 or over. At the present time 8 percent of the population is aged. This figure is continuing to climb all the time.

One other point should be mentioned. Relatively fewer aged persons are working today than in the past. Fifty years ago 6 out of every 10 men, age 65 and over, were working. At the present time, only 4 out of 10 are employed. And if present trends continue this proportion will continue to decline.

These are the basic facts which have made it necessary for employers, unions, and the Government to establish old-age security programs.

Great progress has been made in the last 75 years since the first formal pension plan was established by private industry. In the past few years there has been widespread acceptance of the principle of employer and union responsibility for the protection of aged workers. The resources of these private pension funds are now $12 billion and are held for the benefit of 10 million employees.

But the most far-reaching decision that has been made in this country in this field was the decision in 1935 by the Congress accepting responsibility for assuring to the aged minimum security through the establishment of an old-age insurance plan.

I believe that the decision of the Congress was sound. I believe it was based on an intelligent evaluation of the facts of our industrial and urbanized society.

SOUND SOCIAL SECURITY IS A BULWARK AGAINST SOCIALISM

Some have claimed that the program is socialistic. I do not believe that our present old-age programs are a step toward socialism any more than our public schools or our post offices were a step toward socialism. Rather, I believe that our old-age programs, as well as other private and public programs of social security, are a bulwark against socialism.

If we are to preserve our democracy and our system of free competitive enterprise, I believe we must make further improvement in our social-security programs. I am convinced we can make sound improvements in our existing programs which will be within our ability to pay and which will strengthen our American institutions.

THE SOCIAL SECURITY ACT

The Social Security Act, passed by Congress in 1935, provided for two old-age programs: A Federal program for old-age insurance and a system of Federal grants to the State for old-age assistance to the needy to take care of those who were not covered by the insurance system.

On a number of occasions the law has been improved and extended. The most notable amendments occurred in 1939, 1946, 1948, 1950, and 1952.

The most important and far-reaching provision of the Social Security Act is the Federal old-age and survivors insurance program. This program provides for monthly insurance benefits to a retired worker and his wife and, in the case of the death of an insured worker, benefits are payable to the widow and dependent children. At the present time about 5½ million persons are drawing these monthly insurance benefits of which 4¼ million are aged persons and 1¼ million are widows and dependent children.

Through the Federal old-age and survivors insurance system each contributor pays a little each week, each month or each year as he works to provide a substantial sum for himself and for his family when the need for income arises due to retirement or death. It is a way of getting maximum protection at the minimum cost. Because of the nationwide operation of the system on a group insurance basis there are substantial economies in administrative costs which benefit the person insured.

Practically all persons who work in industry and commerce are now contributing to the insurance program.

In addition the insurance program also covers a large number of self-employed persons and those persons engaged in domestic service and agricultural work who are regularly employed. About 47 million people are now contributing to the insurance system.

A large number of persons, however, are still not covered. Among the major groups which are still excluded are about 3 million farmers, a large number of agricultural and household workers, over 2 million employees of state and local governments, nearly 500,000 self-employed professional persons—such as lawyers, doctors, dentists, architects, and certified public accountants—nearly 200,000 ministers, fishermen who work on small boats and some home workers and internes.

WHERE WE STAND TODAY

Today, there are 4¼ million aged persons drawing insurance benefits under the Federal old-age and survivors insurance program.

There are 2,600,000 aged persons drawing old-age assistance. The Federal Government is contributing about 57 percent of the cost of this assistance to the aged. The Federal share amounts to about $900 million a year.

I believe that we should do everything we reasonably can to reduce the number of aged persons receiving assistance by extending coverage in the contributory system so that all the gainfully employed will be included in some public retirement system.

SURVIVORS INSURANCE BENEFITS

One of the biggest problems faced in explaining the social-security program is that so many people think of social security only as a program which yields benefits to an individual after retirement. The fact is that survivors' benefits for the close relatives of those who die while covered are a major feature of the law.

An examination of the social-security records reveals that 1,767,000 survivors are now drawing regular monthly insurance benefits totaling nearly $735 million a year. This group includes 1 million children under 18; 500,000 widows and widowers; 245,000 mothers; and 22,500 parents.

Some of these survivors receive as much as $168.90 a month in benefits. This, the maximum payment, would go to the widow with 2 children under 18 of a man insured under the program who had earned an average of $300 a month or more.

If the same man's earnings had been $200 a month, his wife and 2 children would receive $140 a month.

The value of survivors payments to a family which has lost its breadwinner is very substantial. For instance, a widow and 2 children receiving survivors benefits of $150 a month would be getting $1,800 a year. The total amount at this rate if it continues for 15 years is $27,000.

In many instances it is the survivors insurance benefits paid to widows, orphans or dependent parents after the breadwinner has died which meet the grocery bills. There is no question but what survivors benefits have often helped a widowed mother stay at home to care for her children and, thus, help to keep countless families together when the wage earner dies.

Survivors benefits have made it possible for children to continue their education and kept families off relief rolls or from being a burden to relatives and private charities.

Private insurance companies have found that the survivors insurance benefits do not conflict with the sale of private life insurance. It has, instead, made people insurance conscious and promoted the sale of additional life insurance.

In this way social security enhances our free economy and at the same time offers safeguards to widows and orphans from the fear of poverty and being placed on relief rolls.

IS IT INSURANCE?

There are some critics of the present system who charge that it is not insurance and that you will have to pay twice for your social security. Both these charges are, in my opinion, completely false.

The charge that the present program is not insurance is based on the fact that every beneficiary today gets back in benefits more than he has paid in contributions—and some a great deal more. This, it is charged, is a windfall and, hence, the system is not insurance.

What those who make this charge completely overlook is that the system is a group insurance plan and that as the Government has use of the workers' money—often for many years—the social-security account is credited with interest for use of that money. The magic of compound interest works here just as it does for a private insurance company.

Of course, during the early years of any insurance plan, as in practically

every contributory private pension plan established by an employer, the benefits to an individual will be greater than his contributions.

But does this fact make the plan any less an insurance plan?

When a man takes out a private life insurance policy and pays a $50 premium, dies the next day, and his widow receives $5,000, is it any less insurance because she gets a $4,950 windfall?

If you take out a fire insurance policy for $50 and your house burns down the next day and the insurance company pays you $10,000 for your loss, is it any less insurance because you received a $9,950 windfall?

In short, the fundamental principle of insurance is a sharing or pooling of risks with the income and outgo balancing over a period of time. The important point is not so much what you call the program as the essential principles underlying it.

DO YOU HAVE TO PAY TWICE?

A common charge against the present system is that the taxpayer will have to pay twice for social security. Once when he pays his social security contribution and again when he pays his general taxes to redeem the Government bond now held by the insurance fund.

This charge has been repeatedly made. It has been repeatedly investigated by outstanding private insurance and social-security experts in the country, by representatives of employers, employees and the public.

They have uniformly and unanimously reported that the charge is false.

The reason for the misunderstanding is that while the taxpayer has to pay twice, he doesn't pay twice for his social security. He pays twice because he pays for two separate things.

It has been alleged often that the Government spends the money in the social-security trust fund for its current expenses, but the reason that the Government spends the money when it issues any of its bonds—including those which it has sold to the trust fund—is because the Congress has appropriated and authorized certain sums to be spent.

This money would be spent anyway whether or not such a trust fund was in existence. And if the Treasury did not sell its bonds to the trust fund it would have to raise the money in some other way—either by selling bonds to individuals, banks, insurance companies, and so forth, or Congress would have to raise additional taxes to find the money which it had instructed the executive department to spend.

Bonds sold to the trust fund are as much a part of the national debt as are any other obligations of the Government. It is true, of course, that when these bonds mature all taxpayers will have to contribute to paying them off. But all taxpayers would have had to contribute to paying off these bonds in any case owing to the action of Congress in appropriating the money.

The fact that these sums were invested in the trust fund does not add one nickel to the amount which the taxpayers would have had to pay anyway in redeeming these bonds when due.

So I cannot see how it can be claimed that those contributing to social security are to any extent paying for their insurance twice over.

It seems to me that the test as to whether this is or is not an honest trust fund is the question whether, when this money is needed by the Social Security System, it can call upon the trust fund for the money without in any way increasing the Government debt.

It can.

Certainly if you or I put some money aside as a reserve for some contingency and when this contingency arises we are able to spend this money without increasing our debts, we would have had a real reserve. This is the case with the trust fund.

For those who wish to pursue this subject in more detail I urge them to study the following statement made by the social-security committees of American Life Convention, Life Insurance Association of America, and the National Association of Life Underwriters—February 1945, pages 36–37:

Taxes paid in excess of outgo for old-age and survivors insurance have so far accumulated a reserve fund * * * all of which, except for a relatively small amount of cash, has been invested in United States Government bonds. In addition to the present and future levy of payroll taxes on workers and their employers, other taxes must be levied in the future in order to pay interest and principal on these bonds. If this is so, why, it is sometimes asked, should payroll taxes to create a reserve fund be collected in the first place? In other words, it is claimed by some that the investment of old-age and survivors insurance receipts in Government bonds is unsound, because the Government spends the money and the only assets the system has to show for it are in effect Treasury I O U's to itself.

The first step in understanding the problem is to agree that payroll taxes are collected so that workers may currently make a contribution to the support of the old-age and survivors insurance system from which they hope later to benefit. The money might conceivably be held in the form of cash to be used when needed. However, the Government must currently borrow large sums, and will later need similar large amounts for refinancing at least some of its rapidly maturing obligations. It is reasonable for the old-age and survivors insurance system, if it has funds available, to take advantage of this opportunity to earn interest on its money by purchasing Government bonds. Moreover, Government bonds held in the old-age and survivors insurance trust fund can be converted into cash. The regular Treasury issues held may be sold directly to the public and the special Treasury issues which are not negotiable are redeemable by the Treasury which can obtain the money by selling to the public an equivalent amount of its regular securities.

Furthermore, the apparent double taxation does not involve an avoidable burden if it can be assumed that the excess of income over outgo which creates the reserve fund is used by the Government for some essential purpose, and does not by its existence and availability stimulate unnecessary expenditures. The purchasing of bonds by the old-age and survivors insurance system means that later on, when it needs money in excess of payroll tax receipts in order to pay benefits, the interest (raised of course by general taxation) on the bonds will be available to meet the additional benefit load. However, if the bonds had not been bought by the system but were in the hands of the public, then not only would the interest on the bonds have to be raised by general taxation, but additional general taxes would have to be levied to cover the deficit in old-age and survivors insurance operations. Current payroll taxation to create a reserve fund therefore makes possible the use of interest, which the Government has to raise by taxation anyway, for a purpose which would otherwise require further general taxation on its own account.

It is evident, therefore, that the existence of a reserve fund, especially when created under conditions of deficit financing, may tend to lighten the future burden of old-age and survivors insurance on the Federal budget.

I also wish to quote the unanimous report of the 17 members of the Advisory Council on Social Security in 1948 on this point:

This reserve has been invested in United States Government securities, which, in the opinion of the Council, represent the proper form of investment for these funds. We do not agree with those who criticize this form of investment on the ground that the Government spends for general purposes the money received from the sale of securities to that fund. Actually such investment is as reasonable and proper as is the investment by life-insurance companies of their own reserve funds in Government securities. The fact that the Government uses the proceeds received from the sales of securities to pay the costs of the war and its other expenses is entirely legitimate. It no more implies mishandling of moneys received from the sale of securities to the trust fund than it does of the moneys received from the sale of United States securities to life-insurance companies, banks, or individuals.

The investment of the old-age and survivors insurance funds in Government securities does not mean that people have been or will be taxed twice for the same benefits, as has been charged. The following example illustrates this point: Suppose some year in the future the outgo under the old-age and survivors insurance system should exceed payroll tax receipts by $100 million. If there were then $5 billion of United States 2-percent bonds in the trust fund, they would produce interest amounting to $100 million a year. This interest would, of course, have to be raised by taxation. But suppose there were no bonds in the trust fund. In that event, $100 million to cover the deficit in the old-age and survivors insurance system would have to be raised by taxation; and, in addition, another $100 million would have to be raised by taxation to pay interest on $5 billion of Government bonds owned by someone else. The bonds would be in other hands because if the Government had not been able to borrow from the old-age and survivors insurance trust fund, it would have had to borrow the same amount from other sources. In other words, the ownership of the $5 billion in bonds by the old-age and survivors insurance system would prevent the $100 million from having to be raised twice, quite the opposite from the double taxation that has been charged.

* * * * *

The members of the Advisory Council are in unanimous agreement with the statement of the Advisory Council of 1938 to the effect that the present provisions regarding the investment of the moneys in the old-age and survivors insurance trust fund do not involve any misuse of these moneys or endanger the safety of the funds.

BLANKETING-IN THE PRESENT AGED

One proposal which has been made is that all the present retired aged who are not receiving insurance benefits should

be blanketed-in under the insurance program for a minimum benefit.

The Chamber of Commerce of the United States has made this proposal. Under their proposal the cost of blanketing-in the uninsured aged—including 2,600,000 persons now receiving assistance—would be paid out of current contributions made by employers and employees.

Under the chamber's proposal Congress would then eliminate Federal grants to the States for old-age assistance. This cost is now borne out of general revenues.

I find it difficult to justify paying the cost of any benefits to uninsured persons out of the contributions made on behalf of contributors to the insurance system for their own future protection.

We would be breaking faith with the employees and self-employed persons of this country who have paid social-security taxes if we were to use part of their contributions to pay benefits to persons who had not contributed a single cent to the system.

RETIREMENT TEST

Under the present law benefits are paid only to persons who have retired. This was one of the principles upon which the calculations as to the amount of taxes to be paid by employer and employee was based.

Today a man is considered to have retired only if he does not earn $75 a month. This figure seems to me to be unrealistic. It is almost impossible for a worker to find even a part-time steady job which would pay him as little as this, and with the high cost of living it is difficult for the retired man to make both ends meet.

Certainly he should be allowed to earn at least $100 a month and still receive his social-security benefits, and I have introduced a bill to this effect.

However, if the retirement test were eliminated completely, it would cost the system immediately $1,400,000,000 a year and eventually from two to three billion a year more than at present.

So I believe that it would be sounder to keep the retirement test but to liberalize it to meet current needs.

PAY AS YOU GO

In recent years there has been a good deal of sentiment in favor of a so-called pay-as-you-go financing plan instead of the reserve financing embodied in the present law. A number of distinguished persons in business, finance, and insurance have stated that they are in favor of pay-as-you-go.

Obviously, there is much in such a policy that seems attractive. However, I believe that we must give very careful study to the problem before we shift to such a plan. There are some very important policy questions which must be decided before making a radical change from our present method of financing.

For instance, if we enact the so-called pay-as-you-go plan, how will we make up the loss of interest which now accrues under our reserve system? Will we increase the taxes on employees or employers or will we make up the loss by a Government subsidy? The loss in interest would eventually be equal to from 15 to 20 percent of the contributions income.

It is the interest credited to the trust fund for the use of the taxpayers' money before he receives benefits which is one of the factors which helps make it possible to pay a worker upon retirement, or his close relatives upon his death, more than he has contributed.

Under pay-as-you-go interest earnings would no longer be a major source of income to the fund.

The end result would inevitably be that 25 years from now, perhaps one-quarter of social-security benefits would have to be paid from general taxes.

Estimates are that this amount which would have to be charged to the general taxpayer under a pay-as-you-go plan might well be between two and two and one-half billion dollars a year. This would be more than twice the $900 million we are now paying out of general revenues for old-age assistance.

Some students of social security have suggested a plan by which one-third of the cost would be borne by the employer, one-third by the employee, and one-third from general taxation.

There might be merit to this suggestion, but we should not adopt policies which would inevitably result in such a program without very carefully weighing the consequences.

Under such a plan by 1980 somewhere between three and four billion dollars might have to be charged to the general taxpayer.

It is because of the extreme importance of making such a basic change in our program, without the most careful study, that I am opposing at this time the suggestion which has been made that we should freeze the social-security tax for the coming year at 1½ percent and not allow it to rise to 2 percent as provided in the present law.

We are today making promises as to how much to pay those who retire in the distant future. To make no provision to raise the money to pay our promises—to say to our children and grandchildren: We made the promises, it is up to you to fulfill them—seems to me to be cowardly.

CONCLUSION

I have tried to briefly review some of the major changes we need in our social-security program. I have also pointed out some of the problems which need further study and clarification.

The important thing is that we should preserve the good features in our present program and strengthen any weak spots we may find.

President Eisenhower has recommended that the insurance system be extended to cover the millions of persons who are excluded. The Secretary of the Department of Health, Education, and Welfare, Mrs. Oveta Culp Hobby, stated in the radio and television program conducted by President Eisenhower on June 3, 1953, that the administration will shortly send to the Congress a piece of legislation which will extend the coverage of old-age and survivors insurance benefits to millions not now covered.

I hope that when this legislation is transmitted to the Congress we will be able to give it very prompt consideration.

We should do so.

President Eisenhower's recommendations to this end should be given priority over any study, public hearings, or legislative program on the whole subject of social security.

Our social security system cannot be successful unless we take the first step of making it all-embracive so that all the gainfully employed will be covered by some form of public retirement system. The first step and one that should be taken without delay is to broaden coverage to the end that those not now protected are provided for.

As I have pointed out there are many improvements that we should make in our social security program, but I believe we must put first things first.

I believe that we cannot go into every proposal that everyone has ever made and try and decide which are good and which are bad. If we were to do this, it would take several years and in the meantime the people who are still excluded from the insurance system would be losing very valuable rights and very valuable benefits.

I believe, therefore, that it is urgent that we take immediate steps to extend the coverage of the insurance system while, at the same time, study all of the other changes that need to be made.

I recognize that there are many problems connected with extending insurance coverage to the farmers and to the farmhands and domestic help not covered by the present program.

The problem has been studied by many expert groups and all of them are convinced that there are no administrative or social reasons why we should delay in extending protection to those not now covered.

The farmers, doctors, and other groups who are not covered are already helping to pay for the retirement benefit of the persons who are covered. Part of this cost is included in part in the price the individual pays for the manufactured product he buys. It is only right and proper that part of the cost of old-age protection be included in the price of the product which everyone buys.

But while the farmer and doctor is paying for the old-age security of the worker he is not now building up any retirement protection for himself and his family, and what is of even greater importance to him, he is not building up any insurance protection for his family in case of his premature death.

If there are any individuals among the noncovered group who do not wish to be covered, they must remember that the system cannot become an unqualified success without the broader coverage, and that, as is so often the case in a democratic Republic such as ours, they must sacrifice their individual wishes to the good of the greater number.

Federal old-age and survivors insurance is basically sound. We should take the necessary steps promptly to expand and improve it. I shall make every effort to urge the Congress to strengthen the insurance system so that it will be a better and sounder program for all the American people.

VOICE OF AMERICA

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes and to revise and extend my remarks and include a chart, if it is eligible to be printed, and also a letter from the national commander of the American Legion.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the appropriations we are considering here today are of extreme importance to international security of the United States. The peaceful stable world which we all hoped for and expected after the end of the last war has never come about. Instead of international friendship and cooperation for world progress we are faced today with acute international tension. Our Nation has been forced to make severe economic sacrifices in order to protect our security. We have made great sacrifices on the field of battle in order to protect our Nation and the rest of the free world from aggression. With the world in its present state, armed strength must necessarily interfere with some of those great material advantages which our Nation enjoys.

I do not need to tell you who is responsible for this sorry state of world affairs. You all know that one nation only has destroyed world peace and created the present crisis. You all know that one nation alone is trying to destroy the free countries of the world by aggression from without and subversion from within. That nation is no democracy, it is a dictatorship of the worst type. It is ruled by a small handful of cruel tyrants.

Our country on the other hand is great because it has high ideals and because it stands on a firm moral foundation. Those ideals and those morals will not permit us to wage unprovoked war. We are the strongest nation in the world, but we fight only when attacked. No nation need fear our strength unless it is bent on aggression.

We have set the U. S. S. R. back on its heels. Despite the sacrifices we have made, we are in a very favorable position and we cannot afford to relax our efforts. The people now understand the Soviet menace and they are united against it. The free nations understand this menace and are rapidly moving to strengthen themselves. When Americans are united and determined nothing can stand before them.

We must not relax our vigilance militarily or psychologically. The international information program must be effectively continued.

Now more than ever the United States information program is an essential weapon in our armament of cold war. A few weeks ago the Communists in East Germany committed a grave miscalculation. I want to see that miscalculation—their treatment of the workers of Soviet sector of Berlin—played up, and played up again, so that every wage earner in the world will know about it, and think about it, and never forget it. That will be one of the tasks of the information program for weeks and months to come: To shoot arrow after arrow into that Achilles' heel of communism, and I would like to see the program kept equipped with a good bow and a full quiver.

We must all, you know, recognize the sobering fact that, against our arrows of propaganda, the Communist Party is using guns of propaganda. If once this month the Communists have committed a grave miscalculation, once this month they have also achieved a brilliant success—and that was in Italy. In Italy, the vote for the Communist candidates increased over the vote for 1948. The Italian Communist Party, largest in the Western World, does not conduct propaganda only in certain selected areas, and at certain selected times—election times. It conducts propaganda all over Italy all the time—every day in the week. The ramifications of its highly organized, intensely implacable effort are staggering. To judge that effort by its manifold surface manifestations, and by conservative intelligence estimates, it throws 106,000 full-time workers and $24 million into propaganda every year. For every one American dollar spent on information in Italy, the Communists spend three and a half dollars. For every 1 American employee thrown into information work, the Communists throw 329. Some of their workers work gratis, out of zeal. Others are provided by the party with jobs in front organizations, and in private businesses. It is the humiliating situation of the arrow versus the gun, the firecracker versus the hand grenade.

What about France, the keystone of the arch of European defense? If we recognize it as the keystone, so do the Communists, you can be sure. With national elections taking place eventually in that country—and they may take place soon—what kind of apparatus will the Communists put to work? Tremendous though the apparatus in Italy may be, the apparatus in France almost takes one's breath away. In France, communism is practically a big business. It works with a big business budget and operates at a big business profit. Indeed, communism in France might well be said to be a state within a state.

Communism controls the largest labor union in France. There are thousands of Communists in the French civil service. Three daily newspapers in Paris, 14 dailies and 61 weeklies in the provinces, 83 literary, legal, medical, engineering, agricultural, and other journals, comic books for children, films and pamphlets and leaflets and posters in immense quantities, radio broadcasts in French from Moscow, Budapest, Warsaw, and Prague—all these are among the big, booming guns in the French Communist armory. The party puts between thirty-five and thirty-eight million dollars into its propaganda funds and 14,000 men and women into its propaganda personnel, and the funds are simply the top of an iceberg. The part underneath, the money spent by front organizations and covert activities, is many times larger than the part above the surface. It is all the same story again. For every American information dollar in France, there are, at the very least, 7 Communist dollars; for every American information worker, 61 Communist workers. The arrow and the firecracker versus the gun and the grenade.

It has been said before, and it should be said again, especially here and now, here in the House of the greatest country in the world, now, in this critical year of 1953, so please permit me to say it: The Communists put more effort into two countries, Italy and France, than we put into our effort throughout the world.

Counting their effort in all countries, Italy and France, inclusive, the Communists outspend us, by at least sixteen and a half dollars to one, and they outman us, by at least 166 workers to 1, in the continuing war for men's minds. It is they, in short, who are fighting a war. We are fighting only a battle. Throughout the world, the Communists choose to be major league. We choose to be minor league.

I do not claim that we should match them dollar for dollar or worker for worker. Thank God, we have truth on our side, and you cannot estimate the dollar potency of that. But we do have to make the truth known. It is one of the paradoxes of our times that Communists, who are materialists, believe in making a powerful appeal to that spiritual element in man: his mind and his heart. They believe in putting immense amounts of money, immense accumulations of time and effort and conviction and fanaticism, into their detestable lies. How much do we believe in putting into our truth?

The chart referred to follows:

Balance sheet—the price of propaganda

Place	Operating expenses		Propaganda workers	
	Communists	United States	Communists	United States
Italy	$10,000,000–$14,000,000	$4,021,294	106,516	329
Ratio	3½ to 1		324 to 1	
France	$35,000,000–$38,000,000	$5,325,589	14,659	238
Ratio	7.2 to 1		61 to 1	
Worldwide total	$1,600,000,000	$96,047,000	2,000,000	12,220
Ratio	16½ to 1		166½ to 1	

SUPPLEMENTARY INFORMATION

1. If the personnel ratios shown on the chart are higher than the dollar ratio, it is because many Communist propaganda workers serve gratis, out of zeal. Others are placed by the party in remunerative jobs with front organizations, with businesses, and with Government bureaus.

In Italy, for example, in addition to the 106,000 full-time propagandists, it is estimated that there are at least 360,000 persons devoting part of their time to propaganda work.

2. The figure of $1,600,000,000 (spent for overt Communist propaganda activities only) does not include the propaganda expenditures in Red China or the majority of international front organizations and undercover propaganda.

3. The figures shown on this chart are based on conservative estimates furnished by United States Government sources.

THE AMERICAN LEGION,
Washington, D. C., July 13, 1953.

Hon. JOHN W. MCCORMACK,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN MCCORMACK: The American Legion, in formal resolutions adopted at its national conventions in 1950, 1951, and 1952, has stated that the way to victory in the battle for peace is to win the struggle for the minds of men.

The American Legion thus has called for a revitalized and independent overseas information campaign, and it now stands squarely behind the President's proposal of Reorganization Plan No. 8 for that purpose.

The House Appropriations Committee, however, has recommended a cut of about 33 percent of President Eisenhower's request. This actually will amount to approximately 50 percent cut in the program after payment of liquidation costs. We are convinced that this represents too small an appropriation. The American Legion, therefore, requests that the Congress appropriate sufficient funds to assure a vigorous and successful campaign in the war now raging throughout the world for the minds of men. Now is not the time to cripple this vital activity; instead, now is the time to strike at the weaknesses and strife behind the Iron Curtain.

The restrictions imposed by the House commitee also would prevent any strengthening of the existing units of the agency. To hold the various information programs to personnel limitations of two-thirds of those now employed would have the effect of freezing each operation into a status quo which the reorganization plan is intended to improve. Such a limitation is completely contrary to the mandate of the American Legion.

As their national commander, I know that the strengthening of this propaganda campaign of the United States is a matter of direct interest to Legionnaires—as it is to all Americans.

We will, therefore, appreciate very much what you personally can do to make certain, in this field, that the United States does not come up with too little, too late.

Sincerely yours,

LEWIS K. GOUGH,
National Commander.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. BURDICK.

Mr. LOVRE.

Mr. HARVEY and to include an editorial.

Mr. ROBSION of Kentucky and to include an editorial.

Mr. WOLVERTON in three instances and to include extraneous matter.

Mr. PRESTON to revise and extend the remarks he expects to make in Committee of the Whole during general debate on the bill H. R. 6200 and to include extraneous matter.

Mr. DEMPSEY and to include a statement made before the Committee on Public Works of the House by General Reybold.

Mr. HELLER (at the request of Mr. SHELLEY) in two instances and to include two newspaper articles.

Mr. PRICE in four instances and to include extraneous matter.

Mr. KING of California and to include an address.

Mr. JONES of Alabama and to include a letter.

Mr. MAGNUSON and to include an editorial.

Mr. RHODES of Pennsylvania in two instances.

Mr. O'HARA of Illinois in four instances.

Mr. MILLER of California to revise and extend the remarks he expects to make on the bill H. R. 6049 to appear in the Appendix.

Mr. MCCARTHY and to include an editorial.

Mr. DAVIS of Wisconsin to include in his remarks on the supplemental appropriation bill certain extraneous material.

Mr. SMITH of Wisconsin in three instances and to include extraneous matter.

Mr. SIEMINSKI in two instances and to include extraneous matter.

Mr. HAGEN of Minnesota and to include extraneous matter.

Mr. PATTERSON (at the request of Mr. HALLECK) in two instances and to include extraneous matter.

SENATE BILLS REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 97. Joint resolution to amend the International Wheat Agreement Act of 1949; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5451. An act to amend the wheat-marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes; and

H. R. 5710. An act to amend further the Mutual Security Act of 1951, as amended, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on July 13, 1953, present to the President, for his approval, bills of the House of the following titles:

H. R. 4072. An act relating to the disposition of certain former recreational demonstration project lands by the Commonwealth of Virginia to the School Board of Mecklenburg County, Va.;

H. R. 5302. An act to provide for an additional Assistant Postmaster General in the Post Office Department; and

H. R. 6054. An act to amend the act of April 6, 1949, to provide for additional emergency assistance to farmers and stockmen, and for other purposes.

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until tomorrow, July 15, 1953, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

843. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Panama Canal Company and the Canal Zone Government for the year ended June 30, 1952, pursuant to the Government Corporation Control Act (31 U. S. C. 841) and the Budget and Accounting Act, 1921 (31 U. S. C. 53) (H. Doc. No. 207); to the Committee on Government Operations, and ordered to be printed.

844. A letter from the Secretary of Commerce, transmitting a report of the activities providing war-risk insurance and certain marine and liability insurance for the American public, for the quarter ended June 30, 1953, pursuant to Public Law 763, 81st Congress; to the Committee on Merchant Marine and Fisheries.

845. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to authorize the Coast Guard to accept, operate, and maintain a certain defense housing facility at Cape May, N. J."; to the Committee on Merchant Marine and Fisheries.

846. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases where the authority contained in section 212 (d) (3) of the Immigration and Nationality Act was exercised in behalf of such aliens, pursuant to section 212 (d) (6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

847. A letter from the Executive Secretary, National Munitions Control Board, transmitting the semiannual report of the National Munitions Control Board for the period July 1, 1952, to December 31, 1952, pursuant to subsection (h), section 12 of the Neutrality Act of 1939 (Public Resolution 54, 76th Cong.); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. S. 630. An act to authorize the conveyance for public-school purposes of certain Federal land in Gettysburg National Military Park, and for other purposes; without amendment (Rept. No. 783). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 5328. A bill to provide for the use of the tribal funds of the Ute Mountain Tribe of the Ute Mountain Reservation, to authorize a per capita payment out of such funds, and for other purposes; with amendment (Rept. No. 784). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARENDS: Committee on Armed Services. H. R. 5509. A bill to amend the Army-Navy Medical Service Corps Act of 1947 relating to the percent of colonels in the Medical Service Corps, Regular Army; without amendment (Rept. No. 785). Referred to

the Committee of the Whole House on the State of the Union.

Mr. HOPE: Committee of conference. H. R. 5451. A bill to amend the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes (Rept. No. 786). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. BURDICK: Committee on the Judiciary. H. R. 806. A bill for the relief of Sullivan Construction Co.; without amendment (Rept. No. 778). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 1130. A bill for the relief of Golda I. Stegner; with amendment (Rept. No. 779). Referred to the Committee of the Whole House.

Mr. JONAS of Illinois: Committee on the Judiciary. H. R. 1689. A bill to confer jurisdiction upon the Tax Court of the United States to hear, determine, and render judgment upon a certain claim of the United States against the Frank M. Hill Machine Co., Inc., of Walpole, Mass.; with amendment (Rept. No. 780). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on the Judiciary. H. R. 5093. A bill for the relief of Mrs. Dorothy J. Williams, widow of Melvin Edward Williams; without amendment (Rept. No. 781). Referred to the Committee of the Whole House.

Mr. ARENDS: Committee on Armed Services. H. R. 5416. A bill to authorize the advancement of certain lieutenants on the retired list of the Navy; without amendment (Rept. No. 782). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. S. 247. An act for the relief of Frans Gunnink; without amendment (Rept. No. 787). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. S. 385. An act for the relief of Anna Solenniani; without amendment (Rept. No. 788). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. S. 781. An act for the relief of Dr. Jacob Griffel; without amendment (Rept. No. 789). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. S. 1791. An act for the relief of Leong Walk Hong; without amendment (Rept. No. 790). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. Senate Concurrent Resolution 34. Concurrent resolution favoring the granting of the status of permanent residence to certain aliens; with amendment (Rept. No. 791). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 723. A bill for the relief of Mrs. Fumiko Sawai Skovran; with amendment (Rept. No. 792). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 752. A bill for the relief of Francoise Bresnahan; with amendment (Rept. No. 793). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 907. A bill for the relief of Wolodymyr Hirniak; with amendment (Rept. No. 794). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 917. A bill for the relief of Luigi Lotito; without amendment (Rept. No. 795). Referred to the Committee of the Whole House.

Mr. HILLINGS: Committee on the Judiciary. H. R. 953. A bill for the relief of Jekabs Lenbergs; with amendment (Rept. No. 796). Referred to the Committee of the Whole House.

Mr. HILLINGS: Committee on the Judiciary. H. R. 1124. A bill for the relief of Gerda Goerauch; with amendment (Rept. No. 797). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 1160. A bill for the relief of Cornelio and Lucia Tequillo; with amendment (Rept. No. 798). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1358. A bill for the relief of Dr. Marcelino J. Avecilla and Dr. Teodora A. Fidelino-Avecilla; without amendment (Rept. No. 799). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 1496. A bill for the relief of Mrs. Hermine Lamb; with amendment (Rept. No. 800). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 1649. A bill for the relief of Mrs. Gisela Walter Sizemore; without amendment (Rept. No. 801). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 1674. A bill for the relief of Setsuko Motohara Kibler, widow of Robert Eugene Kibler; with amendment (Rept. No. 802). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 2162. A bill for the relief of Cyril Claude Andersen, Patricia Andersen Hill, and Thelma Andersen McNeill; with amendment (Rept. No. 803). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 2602. A bill for the relief of Elzbieta Grzymkowska Jarosz; without amendment (Rept. No. 804). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 2622. A bill for the relief of Maria Teresa Ortega Perez; with amendment (Rept. No. 805). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 2623. A bill for the relief of Jose M. Thomasa-Sanchez; with amendment (Rept. No. 806). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 3728. A bill for the relief of Helen Gertrude Koubek; with amendment (Rept. No. 807). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of California:

H. R. 6276. A bill to amend the Ship Mortgage Act, 1920, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. CURTIS of Nebraska:

H. R. 6277. A bill to amend the Internal Revenue Code with respect to the time of filing of noncorporate income-tax returns, and for other purposes; to the Committee on Ways and Means.

By Mr. FALLON:

H. R. 6278. A bill to declare a policy with respect to the operation, management, or maintenance of airports by the Administrator of Civil Aeronautics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN of Michigan:

H. R. 6279. A bill to amend title VI of the Legislative Reorganization Act of 1946, as amended, with respect to the retirement of employees in the legislative branch; to the Committee on Post Office and Civil Service.

By Mr. REED of Illinois:

H. R. 6280. A bill to extend temporarily the rights of priority of nationals of Japan and certain nationals of Germany with respect to applications for patents; to the Committee on the Judiciary.

By Mr. REES of Kansas:

H. R. 6281. A bill to abolish free transmission of official Government mail matter and certain other mail matter; to the Committee on Post Office and Civil Service.

By Mr. REGAN:

H. R. 6282. A bill to terminate Federal trust responsibility to the Alabama and Coushatta Tribes of Indians of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHORT:

H. R. 6283. A bill to facilitate the settlement of the accounts of deceased members of the uniformed services, and for other purposes; to the Committee on Armed Services.

H. R. 6284. A bill to authorize the Secretary of the Navy to transfer to the Commonwealth of Puerto Rico certain lands and improvements at the United States Naval Station, San Juan, P. R., in exchange for certain other lands; to the Committee on Armed Services.

By Mr. THOMPSON of Louisiana:

H. R. 6285. A bill to amend the Public Health Service Act to improve the leprosy situation in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING:

H. R. 6286. A bill granting the consent of Congress to a compact between the State of New Jersey and the State of New York known as the waterfront commission compact, and for other purposes; to the Committee on the Judiciary.

By Mr. REED of New York:

H. R. 6287. A bill to extend and amend the Renegotiation Act of 1951; to the Committee on Ways and Means.

By Mr. DAWSON of Utah:

H. R. 6288. A bill to amend the Internal Revenue Code to provide that State welfare agencies may be furnished with information regarding the income-tax exemptions claimed by individuals receiving or applying for certain public assistance benefits; to the Committee on Ways and Means.

By Mr. HALEY:

H. R. 6289. A bill to declare that the United States holds certain lands for the Seminole Tribe of Florida; to the Committee on Interior and Insular Affairs.

By Mrs. HARDEN:

H. R. 6290. A bill to discontinue certain reports now required by law; to the Committee on Government Operations.

By Mr. TALLE:

H. R. 6291. A bill authorizing the construction of flood-control works on the upper Iowa River, Iowa; to the Committee on Public Works.

By Mr. BERRY:

H. J. Res. 298. Joint resolution authorizing an appropriation for the construction, extension, and improvement of a grade-school building in the town of Mission, S. Dak.; to the Committee on Interior and Insular Affairs.

By Mr. PATTERSON:

H. J. Res. 299. Joint resolution providing for a survey of Newington Hospital, Newington, Conn., to determine the feasibility of

converting it to a hospital for the treatment of neuropsychiatric patients; to the Committee on Veterans' Affairs.

By Mr. ARENDS:

H. Con. Res. 132. Concurrent resolution favoring universal disarmament; to the Committee on Foreign Affairs.

By Mr. HAYS of Arkansas:

H. Con. Res. 133. Concurrent resolution favoring universal disarmament; to the Committee on Foreign Affairs.

By Mr. DODD:

H. Con. Res.134. Concurrent resolution favoring universal disarmament; to the Committee on Foreign Affairs.

By Mr. McCORMACK:

H. Res. 338. Resolution authorizing the payment of salaries of 50 pages of the House during recess or adjournment of the 83d Congress; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to authorize immediate development of the St. Lawrence seaway project; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of California:

H. R. 6292. A bill for the relief of the West Coast Meat Co.; to the Committee on the Judiciary.

By Mr. CRETELLA:

H. R. 6293. A bill for the relief of Tom Chong; to the Committee on the Judiciary.

By Mr. KILBURN:

H. R. 6294. A bill for the relief of Savas and Aphrodite Avgerinos; to the Committee on the Judiciary.

By Mr. McDONOUGH:

H. R. 6295. A bill for the relief of George Masirevich; to the Committee on the Judiciary.

H. R. 6296. A bill for the relief of Evangelos John Statherakos, also known as Edmond J. Stather; to the Committee on the Judiciary.

By Mr. REECE of Tennessee:

H. R. 6297. A bill for the relief of Darinka Gavrilovic; to the Committee on the Judiciary.

By Mr. SHORT:

H. R. 6298. A bill for the relief of Lee Jung I; to the Committee on the Judiciary.

By Mr. TEAGUE:

H. R. 6299. A bill for the relief of Miss Reta Hohmann; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H. R. 6300. A bill for the relief of Sister Mary Joanne (Frances Hsia); to the Committee on the Judiciary.

H. R. 6301. A bill for the relief of Sister Mary Lily (Lucy Chang); to the Committee on the Judiciary.

H. R. 6302. A bill for the relief of Sister Mary Anne (Lillian Chung); to the Committee on the Judiciary.

H. R. 6303. A bill for the relief of Sister Mary George (Cecilia Yin); to the Committee on the Judiciary.

H. R. 6304. A bill for the relief of Sister Mary Mario (Lucia Tsung); to the Committee on the Judiciary.

SENATE

WEDNESDAY, JULY 15, 1953

(Legislative day of Monday, July 6, 1953)

The Senate met in executive session at 12 o'clock meridian.

Dr. Harold W. Tribble, president, Wake Forest College, Wake Forest, N. C., offered the following prayer:

Eternal God, our Father, for all the blessings upon our Nation in the past, that have come out of the bounty of Thy grace, we give Thee the gratitude of our hearts. In the name and in the spirit of Christ, we invoke Thy blessings upon the session of the Senate today. Let Thy spirit breathe divine wisdom upon Thy servants here, that in all decisions Thy will may be done.

Especially do we pray today for the new Senator, that he may be given strength of mind, body, and spirit to serve God, his country, and mankind, to the very best of his ability, in a manner that will be pleasing unto Thee.

We shall give Thee the praise for all Thy gifts, as we pray for wisdom in using them in Thy service. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, July 14, 1953, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 6078. An act to amend Public Law 874 of the 81st Congress so as to make improvements in its provisions and extend its duration for a 2-year period, and for other purposes; and

H. J. Res. 293. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Washington State Third International Trade Fair, Seattle, Wash., to be admitted without payment of tariff, and for other purposes.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that following action on the status-of-forces agreements, and after the Senate has resumed the consideration of legislative business, there may be the customary morning hour to permit Senators to transact regular routine business under the usual 2-minute limitation on speeches.

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

ORDER OF BUSINESS

Mr. KNOWLAND. For the information of the Senate, the Senator-designate from North Carolina is present today to take the oath of office, and I shall ask unanimous consent that the Senate may go into legislative session for the purpose of having the oath administered to him.

We shall then immediately resume the executive session, for the purpose of considering the NATO status-of-forces agreements.

Mr. President, I ask unanimous consent that the Senate may proceed to the consideration of legislative business, for the purpose of administering the oath to the Senator-designate from North Carolina.

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

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

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KNOWLAND. 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 VICE PRESIDENT. Without objection, it is so ordered.

SENATOR FROM NORTH CAROLINA

Mr. HOEY. Mr. President, Hon. William B. Umstead, Governor of North Carolina, has appointed a successor to the late lamented Senator Willis Smith. The Senator-designate is Hon. ALTON A. LENNON, of Wilmington, N. C. His credentials have been presented to the Senate, and I am sending forward the certificate. I ask that he may be permitted to take the oath of office.

The VICE PRESIDENT. The clerk will read the certificate.

The legislative clerk read as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of North Carolina, I, William B. Umstead, the Governor of said State, do hereby appoint ALTON A. LENNON a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Senator Willis Smith, is filled by election, as provided by law.

Witness: His excellency, our Governor, William B. Umstead, and our seal hereto affixed at Raleigh, N. C., this 10th day of July, in the year of our Lord nineteen hundred and fifty-three.

WM. B. UMSTEAD,
Governor.

By the Governor:
[SEAL]

THAD EURE,
Secretary of State.

The VICE PRESIDENT. The certificate of appointment will be placed on file.

If the Senator-designate will present himself at the desk, the oath of office will be administered to him.