

BERNARD M. BARUCH

597 MADISON AVENUE

NEW YORK 22, N.Y.

May 29, 1954.

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation,
United States Department of Justice,
Washington 25, D.C.

My dear Mr. Hoover:

In a mass of unanswered mail, I find your most illuminating and interesting letter of March 26th in reference to the statement of Dr. Donald G. Barnhouse of Philadelphia.

I think you handled the matter forthrightly and definitely. The world is so confused that any corrupt idea that gets started seems to get a hearing.

I have no fear as to how your organization or you may come out.

With thanks and appreciation for the fine work you are doing, and with warm personal regards, I am

Sincerely yours,

Bernard M. Baruch

RECORDED-57

INDEXED-57

EX-129

MAY 31 1954

6/1/54
100-100000-100000

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson ✓

FROM : L. B. Nichols

SUBJECT:

DATE: March 17, 1951

✓ Tolson _____

Belmont _____

Mohr _____

Nease _____

Parsons _____

Rosen _____

Tracy _____

Harbo _____

Belmont _____

Tamm _____

Tele. Room _____

Holloman _____

Gandy _____

██████████ called to advise that he has been active in the United Negro College Fund for the past several years. This year ██████████ is Chairman of the Fund.

The Fund opens with an afternoon meeting at 4:00 p.m. on April 13, at the Plaza Hotel. The speaker will be ██████████ and they hoped to have Bernard Baruch this year but Baruch could not be there. ██████████ further stated that the Fund had approached the Director in 1945 and he could not come.

He was wondering if the Director received an invitation from John D. Rockefeller if he could come this year. I told ██████████ that the Director was not accepting any invitations. I suggest that the attached note be sent.

Attachments

cc - Mr. Jones

✓

✓

b7c

RECORDED - 57

INDEXED - 57

94-35698-20

LBN:jms

EX-C

4706

Law



mb

THE PRESIDENT AND TRUSTEES
OF THE
U ROOSEVELT MEMORIAL ASSOCIATION
AND THE PRESIDENT AND DIRECTORS
OF THE
W WOMEN'S
THEODORE ROOSEVELT MEMORIAL ASSOCIATION

REQUEST THE HONOR OF YOUR COMPANY
AT A DINNER

AT THEODORE ROOSEVELT HOUSE
28 EAST 20TH STREET, NEW YORK CITY

ON FRIDAY, OCTOBER 27TH, 1950, AT 7:30 P.M.
ON THE OCCASION OF THE PRESENTATION OF THE

ROOSEVELT
DISTINGUISHED SERVICE MEDAL

TO

WARREN R. AUSTIN

BERNARD M. BARUCH

ANNE O'HARE McCORMICK

ENCLOSURE ATTACHED

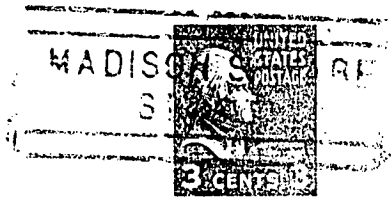
RECORDED
INDEXED - 2828

EX-32

The price of the dinner will be \$8.00 per cover. A subscription card is enclosed. 1950

*11-10-50
work*

65 OCT 19 1950



6

Mr. J. Edgar Hoover
 U. S. Dept. of Justice Building
 Washington
 D. C.

Director
 10-7-58
 Bureau of Investigation

Mr. Tolson
Mr. Ladd
Mr. Clegg
Mr. Glavin
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Mohr
Tele. Room
Mr. Nease
Miss Gandy

THEODORE ROOSEVELT HOUSE
28 EAST 20TH STREET, NEW YORK 3, N.Y.

Roosevelt Memorial Association
28 East 20th Street, New York 3, N. Y.

Please reserve _____ places for me, at \$8.00 each for the
dinner on October 27th, at Theodore Roosevelt House.
My check for \$ _____ is enclosed.

Please make checks payable to Roosevelt Memorial Association.

ROOSEVELT MEMORIAL ASSOCIATION

28 EAST 20TH STREET

NEW YORK 3, N. Y.

Mr. Tolson
 Mr. Ladd
 Mr. Nichols
 Mr. Belmont
 Mr. Clegg
 Mr. Glavin
 Mr. Harbo
 Mr. Rosen
 Mr. Tracy
 Mr. Laughlin
 Mr. Nease
 Tele. Room
 Mr. Nease
 Miss Gandy

Oct 19 1951

Mr. J. Edgar Hoover,
 Director, F. B. I.
 Washington, D. C.

Sir:

American Legion
 York, N. Y.

As my incoherent letter will try to explain to you that it is a request and invitation to you, to be present Past's principle speaker at our annual Past Commanders' dinner. An invitation has been sent to Mr. Bernard Baruch and he has replied that if he is physically able he will attend.

RECORDED - 59
 INDEXED - 59
 OCT 20 1951
 94-1-5971-82

Our Past has been greatly interested and has worked in the direction of helping youngsters in every possible way. We I was then commander, sponsored a boy's Boy's State at Cornell University and of over 900 boys he was elected Governor of the State of New York and at Washington, D. C. was elected Commissioner of Education for the United States. We've sponsored ball teams, been summer hostesses, to but...

ENCLOSURE ATTACHED

ENC

OCT 9 1951

OCT 25 1951

OCT 11

WB

of the opinion that we of the League
should give time helping some of the
adults who seem to need help more
than the younger generation. We've
had discussions at our meetings where
I've shown facts that good boys and
girls have been led astray by bad
and neglectful parents.

I sincerely believe that your experience
and vast knowledge can greatly enlighten
the people of Yorkes and Westchester
County.

May I again request your presence
and Mrs. Hoover at an affair. I am also
inclosing two copies of our Fact paper.

The affair is to be held on October
27th, ¹⁹⁴⁰ in the Enchanted Room of the Park Hill
Building in Yorkes, New York.

b7c

Respectfully Yours
[Redacted]

[Redacted]

We have one of your boys in our organization,

TRUE COPY

Oct. 5th, 1951

Mr. J. Edgar Hoover
Director, F.B.I.
Washington, D.C.

Sir:

As my incoherent letter will try to explain to you that is is a request and invitation, to you, to be Crescent Post's principle speaker at our annual Past Commander's dinner. An invitation has been sent to Mr. Bernard Baruch and he has replied that if he is physically able he will attend.


Our Post has been greatly interested and has worked in the direction of helping youngsters in every possible way. We, I was then commander, sponsored a boy to Boy's State at Cornell University and of over 900 boys he was elected Governor of the State of New York and at Washington, D.C. was elected Commissioner of Education for the United States. We've sponsored ball teams, have Xmas parties, etc. but I'm of the opinion that we of the Legion should give time helping some of the adults who seem to need help more than the younger generation. We've had discussions at our meetings where I've shown facts that good boys and girls have been led astray by bad and neglectful parents.

I sincerely believe that your appearance and vast knowledge can greatly enlighten the people of Yonkers and Westchester County.

May I again request your presence and Mrs. Hoover
at our affair. I am also enclosing two copies of our Post
paper.

The affair is to be held on October 27th, 1951,
in the Enchanted Room of the Park Hill Building in
Yonkers, New York.

Respectfully Yours

(Signed) 



We have one of your boys in our organization.

b7c

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Did you know that one of the members has become famous? Jack Feeney was on Television recently.

We were informed that Past Commander, Bert Corbalis has been sick, and we hope by the time this reaches you that he will have fully recovered back to health again.

Our own Sol Friedman made the headlines recently in connection with the Police Association.

Our congratulations to Paul Stasiak who has become a father.

Our condolences and sympathy to Peter Skrobola, who recently lost his father.

Our own Charlie Palmer is to be congratulated upon being installed Commander of Bryn Mawr Post of the VFW.

The Membership Committee reports that there are a couple of more members to be heard from for the year 1951.

Editors,

Bob Bresnahan
Morton Abrahams

THE DUGOUT

CRESCENT POST #935 - AMERICAN LEGION

Vol. 1 - No. III

April 14, 1951

COMMANDER'S MESSAGE

Accept my hand in the truest faith of friendship my friend

Accept my hand with the sincerest wishes of co-operation to all requests of help, my friend

Accept my hand with the knowledge that all criticism is with the sole intent of helpfulness, my friend

Accept my hand for the privilege of knowing and working with you, my friend

Accept this and then know that we, as a team, have a terrific struggle ahead of us for we are not "Sunshine Soldiers or Daytime citizens" who have a choice as to their problems. We have a set destination, with a purpose no matter how hard the problem. Keep in mind that the harder the problem the more glorious the victory and what we obtain unfairly and too cheaply, we esteem too lightly.

Let's plan our future now by supporting our Outing with an attendance.

Commander Nicholas Lazarow

A REGULAR MEETING OF CRESCENT POST NO. 935 WILL BE HELD AT HENDRIX'S ON MANOR HOUSE SQUARE ON THURSDAY EVENING, APRIL 19, 1951 AT 8:00 P.M. REPORTS OF VARIOUS COMMITTEES WILL BE HAD.

A most important social affair - picnic and outing will be held Sunday, July 15, 1951 - keep date open - place - Rose Street, Uniontown, Hastings.

Committee consists of Frank Hendrix, Chairman, Vince Russo, John Riley and Dick Lucas.

Nominating Committee will report at next meeting its recommendations of slate of officers for the next year. Committee consists of Morton Abrahams, Chairman, Harry Klein, John J. Flynn, Thomas Cooney, John Dempsey, Dick Lucas, Nick Lazerow, Joe Miamone, Joe Yaneralla and Don Pasqua.

Executive Committee met as usual. There were present Nick Lazerow, Commander, Morton Abrahams, Dick Lucas, Harry Klein, Mike O'Hara and Vince Russo.

Quite a delegation of Crescent Post was present to honor our own Past Commander John Dempsey, who was given a dinner by Yonkers Civil Service Association in tribute to his 5th consecutive term as President. We counted 17 Crescent members. It was a worthy tribute to a great guy.

One of the principal speakers was our John J. Flynn. Incidentally, we record famous sayings by famous men - such as Calvin Coolidge and John J. Flynn. Coolidge used to say (if you are old enough to remember) - "I do not choose to run". However, our own John J. Flynn said at the Dempsey dinner (and we are not quoting) "I am not a candidate for any political office."

Incidentally - Past Commander and Mrs. Flynn are to be congratulated on the marriage of their daughter.

Congratulations are also in order to Bill Nugent for having made the Police Department. Bill as you know is a brother-in-law of Joseph Yaneralla and a son-in-law of Past Commander John Yanerella.

Did you see our Commander driving a new fire engine - I wonder if he will loan it to us some time.

John Riley was seen around town sporting a new car.

Your editors were asked to announce that John MiKite is publicilly challenging Past Commander Ralph De Salvo to a game of golf.

Have not seen at a meeting in some time Emmet Jackson, John Maher, Jim Clarke, Al Coltman and Joe Arimento.

Volunteers still needed for civil defense, such as air raid warden service; auxiliary Police Auxiliary fire, first aid instructors, medical technicians. Contact Past Commander Arthur Chambers or the Police or fire stations or Veterans service agency in Health Center.

Sorry to report that Joe Brown is still confined to Base 81 - The boys ought to visit him.

At the next meeting reports will be rendered by the Central Committee by the delegates to the County Committee and other Committees as well.

A great many of the WW 2 comrades are not aware of the fact that they are entitled to many rights, privileges and benefits such as Civil Service, preferences and rights in examinations under the Mitchell amendment; wa credits under the amendment to Social Security Act for the time spent in the Service; reduction in land taxes for Terminal Leave Pay or bonus money used to purchase real property or to reduce existing mortgages on real property etc. There has been a Terminal Leave Pay extension to June 30, 1951. Under a recent law there is a Civil Service preference for mothers of certain Veterans, if the father is totally and permanently disabled; there is a preference for mothers of deceased Ex-Service men or Ex-Service women who lost their lives while in the Armed Forces during any war or who became permanently and totally disabled through Service connection under honorable conditions.

CRESCENT POST #935

American Legion

OFFICERS

COMMANDER Nicholas Lazarow

Vice Commanders
Howard Kelly
Michael Butler
Vincent Russo

Finance Officer Robert Bresnahan
Adjutant Michael O'Hare
Sgt. at Arms John Riely
Historian Joseph C. Brown
Service Officer Dr. Eugene Fierro

Delegates to Central Committee
John J. Flynn
Herbert Frum
Arthur Chambers

Delegates to County Committee
Thomas J. Cooney
Maurice Zellner
James White

Alternates to County Committee
Louis Tartaglione
Andre Saldana
Joseph Maimone

Executive Committee
John Dempsey, Chairman
Harry Kline
Gus Harakidas
Patrick F. Reilly
Domenick Pasqua
Joseph D. Brown

THE DUGOUT

CRESCENT POST #935 - AMERICAN LEGION

Vol. 1 - No. 1

December 19, 1950

COMMANDER'S MESSAGE

Legionnaires:

As our first issue goes to press, may I as Commander offer sincerest wishes for a very, very Merry Christmas and a prosperous New Year. May the coming year bring all my comrades an abundance of good health prosperity and also may the coming year bring peace on earth and good will to all men.

Membership-Our quota for the coming year set by the county is 234 members. This is a 40% increase over last years figures. We are not getting membership in fast enough to insure this increase. I believe that co-operation by the members this quota can be easily reached. Let's get behind our P. C. Jim White, County Membership Chairman and our...

Woman's Auxiliary-The formation of an Auxiliary in my opinion will stimulate interest in Post affairs in years to come. Comrade Jim White as Chairman of this new post venture will require the co-operation of all to insure its success.

Yours for the Legion,

Commander

IMPORTANT - THERE IS A CHANGE OF DATE OF OUR NEXT MEETING FROM THURSDAY, DECEMBER 21 TO WEDNESDAY, DECEMBER 27. SAME PLACE - HENDRIX - 142 LARKIN PLAZA - 8:00 P.M.

This is an attempt on the part of your Organization to try to renew interest and get members to come around. It was felt that if the members were acquainted with what is going on and what the Post has to offer, it would have a tendency to attract them to meetings and to active participation in the affairs of the Post.

Some of the functions of the Post in November are worth while repeating. All those who missed the dinner at the Amackassin Club House in honor of Post Commander Herbert Frum missed a wonderful time. The dinner was excellent, the music was good, the crowd was in good spirits - ask Johnny Flynn where he learned to imitate Pat Rooney, another one of his surprising accomplishments. The active Chairman of the affair, Vinc Russo and his Committee are to be commended for a marvelous affair even though the Post lost money because many of those members who made reservations were not there.

100% Club Cards have been received and Joe Brown will be only too glad to have any one contact him to insure the success of the American Legion Mountain Camp. Our Quota for the year is one-fourth of last year's membership. So get behind Joe Brown in this. Remember our less fortunate comrades who join the 100% Club.

Word has been received from our old comrade Bill Scott from Florida. He is at present time enjoying good health, although he spent last July and August in the hospital, but to put it Bill's way he is fairly well, but could not go through another winter around here. He promises us a visit next summer. Drop Bill a line at P.O. Box 736 West Palm Beach or, if you are in the vicinity, 603 North Olive Avenue.

Congratulation to our comrade Louis Tartaglione to his appointment as Superintendent of Parks for the City of Yonkers.

Many thanks should be given to our Judge Advocate Mort Abrahams for the reviving of this paper.

Sick Elidio Reberio is still recuperating from his accident at 92 Neppernan Avenue.

On Wednesday, January 17, the Crescent Post will celebrate the 30th anniversary of its charter. The original charter was granted January 17, 1921. Since then the Post has had 30 Commanders starting from P.C. John J. Flynn up to our present Commander Nicholas Lazarow. Of the thirty Commanders four have been called to the great beyond, they are: Henry Klatte, Harold Thibault, Edward M. Boyd, and Sol Frum. As we look over the roster of P.C. it sounds like who's who, there is hardly a day that you do not pick up the paper and find some one of their names there in regard to the community, State and also our nation. We ought to see more Past Commanders at our meetings. Perhaps we should dedicate our future meetings as a past commander's night. Our post has a great tradition in back of it. In the past our members have always been in the fore front of Veteran activities in the City. For example, Arthur Chambers was the Chairman of Parade Committee, on Armistice Day. He is also mobilization officer of the County.

Members in the Service - Joseph D. Brown, son of our P.C. Joe Brown.

Harry Klein, Jr., son of our P.C. Harry Klein, recalled by the Navy. He is in the Navy taking officers course at the University of South Carolina.

Dues - Have you paid your dues yet?

Dick Lucas reports that so far the Post has but 55 members paid up in dues this year. If you wish the Post to carry on its program, it needs the money from dues to do this, so get your dues in as soon as possible. Our quota is 234.

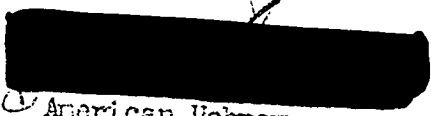
If you have anything of interest to the Post, regarding its members, please get in touch with Bob Bresnahan at 195 Woodworth Avenue. Incidentally most of the work with getting out this issue of this paper has been done by Bob, and Morton Abrahams.

November 15, 1946

CONFIDENTIAL
& 702
INDEXED

94-4-136-8

EX-31



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1-188

American Hebrew
48 West 48th Street
New York 19, New York

Dear Mr. Diben:

Your letter of November 8, 1946, with enclosure, has been received. In response to your request please cast my vote for the Honorable Bernard Baruch for the 1946 award of The American Hebrew Medal.

With best wishes and kind regards,

Sincerely yours,

A. E. ...

NOV 15 4 31 PM '46
RECEIVED
READING ROOM
U. S. DEPT. OF JUSTICE

CC - New York

LJL:med

- Wilson
- A. E. ...
- Levin
- Wood
- Nichols
- Wisen
- Gray
- Wilson
- Bean
- Price
- Quinn
- Harmon
- Edwards
- Miller
- Wheeler
- Case
- Candy

56 NOV 29 1946

[Handwritten signature]

[Handwritten initials]

[Handwritten initials]

67th
YEAR

1879-1946

American Hebrew

SPONSORS OF THE

'PERMANENT COMMISSION ON BETTER UNDERSTANDING'

Telephone MEDallion 3-2

Cable: AMHEBREW

48 WEST 48th STREET

NEW YORK CITY

Medal Award Committee
For the Promotion of Better
Understanding Between
Christians and Jews

November 8, 1946

Dear Mr. Hoover:

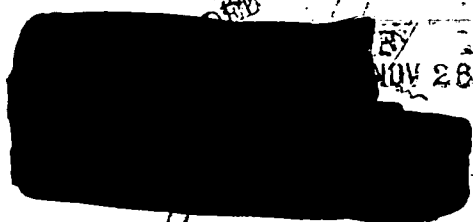
It is with pleasure that I submit to you the list of candidates selected at an editorial conference for the 1946 award of The American Hebrew Medal. This award was founded at the celebration of our fiftieth anniversary for the promotion of Better Understanding between Christian and Jew in America.

The Committee of which you are a member previously awarded the medal to Honorable Newton D. Baker, Archbishop Edward J. Hanna, Dr. John H. Finley, Mrs. Carrie Chapman Catt, Dr. James G. McDonald, Roger Williams Straus, Mayor Fiorello H. LaGuardia, Maestro Arturo Toscanini, President Franklin Delano Roosevelt, Honorable Myron C. Taylor, Dr. George Gordon Battle, Honorable Cordell Hull, Wendell L. Willkie, Irving Berlin, Supreme Court Justice Frank Murphy and General Dwight D. Eisenhower.

Please vote for only one candidate and be good enough to send your choice at your earliest convenience. You are at liberty to vote for an individual not included on our list.

Please be assured of my deep appreciation.

Cordially



NOV 28 1946

my vote is for Bernard Baruch

- LOUIS ADAMIC
- M. J. AHERN
- JOSEPH H. BALL
- BERNARD M. BARUCH
- GEORGE GORDON BATTLE
- IRVING BERLIN
- JACOB BILLIKOFF
- FREDERICK BROWN
- JOHN S. BURKE
- EDDIE CANTOR
- CARRIE CHAPMAN CATT
- EMANUEL CELLER
- HARRY WOODBURN CHASE
- NATHAN CUMMINGS
- JOHN DEWEY
- DONALD FLAMM
- DANIEL J. FLEMING
- HARRY EMERSON FOSDIGE
- EDWIN S. FRIENDLY
- FRANK E. GANNETT
- ALBERT M. GREENFIELD
- EDWARD J. HANNA
- WILL H. HAYS
- LEON HENDERSON
- LEWIS B. HERSHEY
- J. EDGAR HOOVER
- CLARK HOWELL
- CORDELL HULL
- FANNIE HURST
- MEYER JACOBSTEIN
- FRANK KINGDON
- MRS. REBEKAH KOHUT
- FIORIELLO H. LA GUARDIA
- ALBERT D. LASKER
- CLARE BOOTHE LUCE
- DOUGLAS A. MACARTHUR
- CHARLES S. MACFARLAND
- THOMAS MANN
- WM. T. MANNING
- FRANCIS J. McCONNELL
- ALFRED J. McCOSKER
- JAMES G. McDONALD
- PAUL V. McNUTT
- JAMES M. MEAD
- EUGENE MEYER
- ROBERT A. MILLIKAN
- JOSEPH N. MOODY
- HENRY MORGENTHAU SR.
- P. A. O'CONNELL
- DANIEL POLING
- ROSCOE POUND
- JOSEPH M. PROSKAUER
- QUENTIN REYNOLDS
- SAMUEL I. ROSENMAN
- LEVERETT SALTONSTALL
- DAVID SARNOFF
- GEORGE E. SOKOLSKY
- RAYMOND GRAM SWING
- MYRON C. TAYLOR
- LOWELL THOMAS
- ARTURO TOSCANINI
- ARTHUR N. VANDENBERG
- HARRY M. WARNER
- JOS. M. WEIDBERG
- GROVER A. WHALEN
- GWEN D. YOUNG

- Mr. Tolson
- Mr. E. A. Tamm
- Mr. Clegg
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Tracy
- Mr. Carson
- Mr. Egan
- Mr. Gurnea
- Mr. Harbo
- Mr. Hendon
- Mr. Pennington
- Mr. Quinn
- Mr. Nease
- Miss Gandy

"DEMOCRACY IS CALLING YOU"

Mr. J. Edgar Hoover

CANDIDATES SUGGESTED BY THE EDITORIAL BOARD OF THE AMERICAN HEBREW
for
THE 1946 AWARD
of
THE AMERICAN HEBREW MEDAL FOR THE PROMOTION OF BETTER UNDERSTAND-
ING BETWEEN CHRISTIAN AND JEW IN AMERICA

Please Select One:

BERNARD BARUCH:

Because as the world-famous "adviser of Presidents" he has given valuable counsel to the leaders of our country during some of the most critical periods of our recent history; because his recent public speeches containing references to his Jewish background have been helpful in directing public attention favorably to the problems of displaced Jews and the situation in Palestine; because his career as a whole has given the world the spectacle of a financier, who has employed his abilities in the service of his country for many years in his role of adviser and whose personality and talents have won him the respect and friendship of the greatest men of our time.

JAMES M. MEAD:

Because of his fine record as a liberal statesman; because of his consistent and enlightened support of issues affecting the welfare of Jews and other minorities in his constituency and in the country at large; because of his vigorous statements in support of the Jewish position in Palestine, and the need of the thousands of displaced Jews in Europe; and because he has always continued to advance the cause of good government and opposed the 'isms' and forces whose objections were inimical to the ideals and traditions of our democracy.

PAUL ROBESON:

Because he is one of the ablest known Negro personalities in the United States; because his own manly and determined struggle to secure rights for his people has always been tied up with sympathetic support of similar problems on the part of the American Jewish minority; because he is a sincere and progressive liberal, supporting all enlightened American causes; because his gifts as singer, Shakespearean actor and public figure have won him the respect of millions of his fellow-Americans.

MRS. ELEANOR ROOSEVELT:

Because her many-sided life, her vigorous, intelligent and liberty-loving personality has come to stand for an embodiment of the best type of American womanhood, and as such she has on innumerable occasions proved her disdain for all anti-democratic manifestations in American life, and has always been forthright and fearless in making her own ideas on all subjects public; and because her career has aroused the respect and admiration of the American people as a demonstration of the way in which an American woman can lead a useful public life while at the same time performing a role as wife and mother.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nichols

DATE: August 16, 1955

FROM : M. A. Jones

SUBJECT: EARL GODWIN, NEWS COMMENTATOR
WRC, NATIONAL BROADCASTING COMPANY
WASHINGTON, D. C.
6:15 P.M.
AUGUST 16, 1955

- Tolson
- Boardman
- Nichols
- Belmont
- Harbo
- Mohr
- Parsons
- Rosen
- Tamm
- Sizoo
- Winterrowd
- Tele. Room
- Holloman
- Gandy

Baruch

This evening Mr. Godwin reported that while some of our courts have been allowing Communists to slip out of the country, Judge Burnita S. Matthews, today refused to order the State Department to issue a passport to Communist negro singer Paul Robeson. He reported that Judge Matthews ruled that Robeson should exhaust and follow through all of the administrative procedures available to him in his quest for a passport before bringing the matter to court. Robeson had refused to sign a non-Communist affidavit, claiming that this requirement was a violation of his constitutional rights, but Judge Matthews did not agree with him. Mr. Godwin quoted U.S. Attorney Leo Rover as saying: "You can not laugh off Communism any longer;" after which he produced a long list of Robeson's communist activities. Mr. Rover said, "a tragedy would occur if Robeson were allowed to travel abroad with the stamp of approval of the Secretary of State."

Mr. Godwin also mentioned that in New York today a very distinguished surprise visitor appeared at the hearings being conducted by the House Committee on Un-American Activities concerning the infiltration of Communism into the entertainment world. He said that while Representative Walter was promising the group a surprise witness, Mr. Baruch entered the room as a spectator. In his talk with newsmen, Baruch said that any person who has nothing to fear can end his difficulty and added that they had nothing to fear but guilt. He stated, "I have no sympathy or interest in any person who gives comfort to the enemies of our country." He stated that he thought the committee was very fair in its dealing with the witnesses. Mr. Godwin mentioned that nine of the witnesses refused to testify concerning their Communist connections.

RECORDED-37

62-10600-174

INDEXED-37

10 AUG 24 1955

AUG 31 1955
RGE:jvs
(2)

SENT DIRECTOR
8/15

SEC

BERNARD M. BARUCH
597 MADISON AVENUE
NEW YORK 22, N.Y.

September 13, 1945.

AP

Mr. Tolson	✓
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Coffey	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	✓
Mr. Rosen	
Mr. Carson	
Mr. Egan	
Mr. Gurnes	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn Tamm	
Mr. Nease	
Miss Gandy	

Mr. John Edgar Hoover, Director
Federal Bureau of Investigation,
United States Department of Justice,
Washington, D.C.

My dear Mr. Hoover:

Thank you so much for
the invitation to be present on Monday
evening but I cannot get there.

September 17th is the
holiest day of the Jewish calendar,
one that I always spent with my mother
and in memory of her I still keep it.

I do hope I am going to
have the pleasure of seeing you again
very soon.

Sincerely yours,

Bernard M. Baruch

RECEIVED
SEP 14 1945

94-34571-3-5

1442

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

FROM : J. P. MOHR

SUBJECT: THE CONGRESSIONAL RECORD

DATE: June 18, 1959

Tolson _____
 Belmont _____
 DeLoach _____
 McGuire _____
 Mohr _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

In scanning the Congressional Record for Wednesday, June 17, 1959, the following items contained therein pertaining to the FBI have been marked for your attention.

Pages 10038-10040, Senator Javits, (R) New York, extended his remarks to include excerpts from a joint report prepared by the Southeastern Office of the American Friends Service Committee, the department of racial and cultural relations, National Council of the Churches of Christ in the United States of America, and the Southern Regional Council. The report is entitled "Intimidation, Reprisal, and Violence in the South's Racial Crisis." Mr. Javits stated "The report underlines the need for legislation, which has been pending in the Senate for almost 6 months now to deal with the bombings of the innocent, the lynchings, the dissemination of hate literature and the effort to better safeguard civil liberties and rights, the heritage of all of us. - - - I see two basic reasons for the situation portrayed in this report: First, a widespread disrespect for law when often the most responsible members of the community and those in official positions are in defiance of the law as enunciated by the Supreme Court; second, the failure so far of the Federal Government to itself assert the supremacy of the Constitution through adequate laws of its own. The most striking example of that is the inability of the Federal enforcement machinery to follow through, notwithstanding a reportedly affirmative FBI investigation, in the Mack Charles Parker lynching. I pay tribute to the Governor of Mississippi. He did call in the FBI and he has purposed to place the matter before the grand jury. The fact is, however, that the FBI had to be withdrawn because there was no law under which it could proceed."

Pages 10049-10053, Senator Bridges, (R) New Hampshire, spoke concerning legislation he has introduced to neutralize the effect of the Supreme Court decision in the Steve Nelson case. Mr. Bridges stated "The Supreme Court on June 8, 1959, handed down several decisions which have a bearing on the legislation which I have introduced. One of these decisions was entitled 'Willard Uphaus Against Louis C. Wyman, Attorney General, State of New Hampshire.'"

Enclosure

- 1 - Mr. Tolson
- 1 - Mr. DeLoach
- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. M. A. Jones

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Memorandum to the Director
Re: The Congressional Record

He requested to have the majority opinion in the Uphaus-Wyman case printed in the Record. Mr. Bridges also included several newspaper editorials dealing with Supreme Court decisions of June 8th. Included was an editorial from the Christian Science Monitor entitled "The Court and Contempt." It is stated "It is easy to read overly broad meanings into Supreme Court decisions. Two just rendered may prove less substantial in their concessions to State and congressional authority than it first appears. - - - In this newspaper's opinion too many congressional committees in recent years have stayed far from actual legislative functions. In addition to FBI activities, exposure—especially of the Communist conspiracy—may be desirable. But if exposure, not legislation, be the purpose, then a noncongressional, nonpartisan commission of distinguished citizens is the better instrument."

Pages A5180-A5182, Senator Randolph, (D) West Virginia, extended his remarks to include Mr. Hoover's address delivered at Charleston, West Virginia, June 16, 1959, in response to the awards made to him by the Junior Order of United American Mechanics. Mr. Randolph stated "Every 2 years, at its national convention, the Junior Order of United American Mechanics presents the organization's outstanding citation to a living American, of modest beginning, who has made a distinguished contribution to the American way of life. It is not a popularity contest; rather, it is the purpose of this splendid group 'to provoke Americans everywhere into defining the qualities of citizenship.' Recipients of the first three awards were the brilliant statesman, Bernard M. Baruch, in 1953, at Philadelphia; former President Harry S. Truman, in 1955, at San Francisco; and George Meany, president of the AFL-CIO, in 1957, at Knoxville, Tenn. The selection of Director Hoover to be the recipient of the 1959 honor was indeed an appropriate one."

not gone through them as carefully as I would have done if I had had more time. It was for that reason that I rose to suggest the figures I have quoted, and others which appear in the Economic Indicators as being more meaningful figures, if we are to try to judge the economy.

I shall be glad to engage the Senator in debate on this subject at any time. I should like to get the answer some day. For that purpose I shall ask him at some time to explain to me how more people are to be employed, and how more money is to be put into circulation, if we do not have, among our economic goals—even as a primary goal, as a material thing—the production of more consumer goods.

Mr. CLARK. I agree that that should be a goal. I do not believe it should be the primary goal.

ATTACK BY COMMUNIST MIG'S ON U.S. NAVY PATROL PLANE

Mr. JAVITS. Mr. President, Americans will be revolted as will decent people everywhere by the brutal attack by two Communist Mig's on a U.S. Navy patrol plane over international waters of the Sea of Japan, and this time with clear evidence because of the serious and tragic wounding of the tailgunner on the U.S. plane. Yesterday's attack is believed to be the 33d such occurrence involving Communists and U.S. planes since 1950 and the Pentagon lists 112 Americans as dead or missing as a result of all such air incidents since the end of World War II.

Since what happened yesterday, tragic though the event was in itself, represented a repetition of many other similar incidents, its significance must be sought in more than the factual report, and indeed, it has much greater significance. It demonstrates again to the peoples of the free world, especially those in the so-called neutralist bloc that sharp and vicious claws lurk constantly—and strike unexpectedly—from beneath the cloak of sweet reasonableness and alleged love of peace which the Communists draw about themselves.

It is almost inconceivable that such an attack should occur at the very moment critical negotiations are underway in Geneva to control the testing of nuclear weapons and to resolve the crisis of Berlin and Germany—and yet the attack was made. It offers ample proof of the irresponsibility as well as the viciousness of which a dictatorship is capable. It seems to me that this incident should buttress the determination of the whole free world in respect to the efforts of the Communists to subvert its will, and it should fortify the position of the negotiating powers at Geneva in their refusal to engage in vain negotiations or summit conferences unless there is a serious purpose evidenced in connection with them. The whole world should read into this new outrage its true lessons—and they go far beyond the event itself.

Mr. President, I wish now to discuss another subject.

The PRESIDING OFFICER. The Senator from New York has the floor.

THE SOUTH'S RACIAL CRISIS

Mr. JAVITS. Mr. President, the Southeastern Office of the American Friends Service Committee, the department of racial and cultural relations, National Council of the Churches of Christ in the United States of America, and the Southern Regional Council, a very distinguished organization, have published jointly a report, "Intimidation, Reprisal, and Violence in the South's Racial Crisis." The report notes the fact that it describes not the progress being made nor the instances of patience, responsibility, courage, and good will by both Negroes and whites but is rather an accounting of the angry, violent side. I append hereto as part of my remarks excerpts from the report.

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

INTIMIDATION, REPRISAL, AND VIOLENCE IN THE SOUTH'S RACIAL CRISIS

INTRODUCTION

This is a report of racial violence, reprisal and intimidation in 11 Southern States from January 1, 1955 to January 1, 1959. Altogether, 530 cases, taken from the general press of the South and the Nation, are listed.

They are evidence of the deterioration of law and order within the South since the school desegregation decisions of 1954 and 1955 by the Supreme Court of the United States.

They are reports of actions taken by private groups and individuals, and sometimes by mobs, who have wielded violence and economic power in a bitter and defiant protest against a new order of race relations.

Resistance groups, typified by the White Citizens Council born in Mississippi in 1954, have spread across the South. By 1956 they had an estimated 300,000 members. Their characteristic tactics have been economic pressure, propaganda and lobbying.

Other groups, such as a revived but disjointed Ku Klux Klan, and some extremist off-shoots of the Citizens Councils, have advocated and participated in cruder methods of intimidation. Gunpowder and dynamite, parades and cross burnings, anonymous telephone calls, beatings and threats have been the marks of their trade. These attacks have been directed not only at Negroes, but at some white persons who have strayed from local customs. Also, overt antisemitism flared, and synagogues have been attacked.

This record is one aspect, and the ugliest, of the intolerance of dissent, the dedication to conformity which has pervaded the South these last few years. It points to a widespread erosion of individual liberties. Although the political leaders of Southern States have declared their opposition to lawlessness, one may fairly ask whether legislative and executive policies of evasion and defiance of decisions of the Federal courts have not set an example whose contagion is uncontrollable. A prominent lawyer and civic leader, Mr. Marlon A. Wright of Linville Falls, N.C., has said:

"Now, our political leaders without exception deplore violence such as this. They have no truck with the Ku Klux Klan. But my contention is they set in motion forces which bred the Klan and the very violence they now condemn. What they advocate, in essence, is disrespect for law. They choose to limit such advocacy to one law—that relating to the public schools. But when you enter the area of disrespect there is no such thing as limited infection. It spreads.

"What right have they to tell me what laws I shall observe? My right of choice is fully as good as theirs. They choose to flout school law. I may with as much right choose to

flout the law which protects the life and property of the man who disagrees with me. They seek to get results by chicanery. Men less subtle and sophisticated may perform get their results by violence."

This report classifies and numbers the losses of civil liberties. It cannot show the coincident erosion of patience, of good nature, of relaxed social atmosphere. It recounts 530 cases. One tells of the school bombing in Clinton, Tenn., another of the bus boycott in Montgomery, Ala., a third of Little Rock. These stories are known by all the world, but there are 527 others within the timespan of the record. Though most have been less publicized, in their cumulative force they are just as indicative of the weakness of discipline and the strength of lawlessness menacing the South today.

The list is derived from the pages of the general press of the country. Other reports, however reliable the source, have not been used. The list is confined to occurrences attributable to increased racial tensions after the Supreme Court's school decisions; other cases of alleged or proven murder, rape, theft, juvenile delinquency, and police brutality, that are part of a general social problem, have not been included.

An alphabetical system is used to denote the source of each item; a key, giving the names of the newspapers and wire services, is at the end of the report. The date given for each item is that of publication; the event may have occurred on an earlier day. One periodical, Southern School News, is issued monthly, and, therefore, only the month is noted for items taken from it. In two instances, field studies of academic researchers have been drawn on for details.

Finally, this is not a comprehensive survey of southern reactions to the desegregation decision. It describes only their angry, violent side. Another accounting could be given of patience, responsibility, courage, and good will by both Negroes and white. Though this aspect of the South is not in view in the report, it is an authentic and undimmed face of the South, to which each of the sponsoring agencies has paid tribute more than once. But we feel an obligation to call attention to the dangers posed by the record that follows, dangers for which all of us, through silence or inaction, must share the responsibility.

PART I. INTIMIDATION

There is a southern tradition which equates "preserving order" with "keeping the Negro in his place." During Reconstruction and for many years afterwards, it was almost the "law of the land" in the region. Even respectable people could believe in it, though usually its enforcement was delegated to men lower in the social structure. The law is no longer so openly proclaimed, but neither has it been finally repealed. And though respectable Southerners do not actively encourage its enforcement, too many of them since 1954 have acquiesced in it. However, throughout the South, others have shown anger and disapproval over the intimidation of Negroes.

In any event, intimidation has continued. The old methods have had, however, a new refinement. Roving troublemakers have appeared, perhaps an expected development in this age of specialization. This group has included even a few inverted carpetbaggers, of whom John Kasper has been the most notorious.

During this period, there has been a growing number of bomb threats, particularly to schools and other public institutions. Police have been called to search an untold number of buildings throughout the South, usually without finding any trace of a bomb. A sampling of these threats is included in this report. Those without any obvious racial connotation, even though they may stem from the climate of defiance, have been eliminated.

the deficit and the taxes necessary to meet it.

4. If the Treasury is restricted in issuing long-term bonds, it will stay out of competition with the long-term capital demands of what this country most needs in its domestic economy: Schools, hospitals, slum clearance projects of all kinds, and homes. Because financing charges are the major element of cost in each of these, State and local tax burdens and home financing payments would be sharply increased if Federal Government competition for long-term money drives up the cost.

The Wall Street Journal is of course undeniably right in contending that \$12 billion Treasury deficits do indeed contribute to inflation and force the Treasury to borrow. The partisan responsibility for this, however, is far less clear than the Journal implies in the charge that the deficit was built by congressional Democrats.

WILLIAM PROXMIRE,
U.S. Senator.

WASHINGTON, D.C.

THE ECONOMIC PICTURE

Mr. GOLDWATER. Mr. President, I am sorry the distinguished present occupant of the chair [Mr. CLARK] moved into that position at the time he did. I regret I did not have an opportunity to join in the colloquy between the distinguished Senator from Pennsylvania and the distinguished Senator from New York.

The PRESIDING OFFICER (Mr. CLARK in the chair). The present occupant of the chair will be very happy to listen.

Mr. GOLDWATER. I shall be very happy to have him do so.

I was not in the Chamber yesterday when the colloquy to which the Senator referred took place, involving the introduction into the RECORD of a table entitled "Personal Consumption Expenditures, Total and Per Capita." I do not know what the distinguished Senator from New York had in mind in placing that table in the RECORD. It obviously served some purpose in his discussion.

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

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from Arizona yield to the Senator from Pennsylvania?

Mr. GOLDWATER. I shall be glad to yield in a moment.

As a businessman, one who has been interested in the economy for a great many years, I do not accept the figure for gross national product as the holy thing some economists deem it to be. I have often referred to it as a "gross national lie," because it is probably as inaccurate a group of figures as could be devised to show the state of the economy.

I should much prefer to take the per capita income of the United States.

Reading from the May issue, which is the latest issue available, of the Economic Indicators, my colleagues will find that the per capita disposable income, which is what a person interested in the economy looks at, has risen rather sharply in the years since 1953. It has gone up from \$252.5 billion to \$320.9

billion for the first quarter of this year. That has meant a per capita increase from \$1,708 to \$1,818.

I ask unanimous consent that the table appearing on page 6 of Economic Indicators for May 1959, entitled "Per Capita

Disposable Income," be printed in the RECORD at this point as a part of my remarks.

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

Per capita disposable income, measured in both current and constant prices, increased the 1st quarter of 1959

Period	'Total disposable personal income (billions of dollars) ¹		Per capita disposable personal income (dollars) ¹		Population (thousands) ²
	Current prices	1958 prices ³	Current prices	1958 prices ³	
1949.....	189.7	230.2	1,271	1,542	149,1
1950.....	207.7	249.6	1,359	1,645	151,2
1951.....	227.5	253.0	1,474	1,640	154,3
1952.....	238.7	259.8	1,520	1,654	157,0
1953.....	252.5	272.7	1,582	1,708	159,6
1954.....	256.9	276.2	1,582	1,701	162,0
1955.....	274.4	286.1	1,661	1,792	165,2
1956.....	290.5	308.7	1,727	1,835	168,1
1957.....	305.1	313.6	1,782	1,831	171,0
1958.....	311.6	311.6	1,790	1,790	174,0
Seasonally adjusted annual rates					
1957: 3d quarter.....	308.7	315.0	1,799	1,836	171,0
4th quarter.....	306.8	312.1	1,780	1,811	172,5
1958: 1st quarter.....	306.1	307.9	1,769	1,780	173,0
2d quarter.....	309.0	308.7	1,779	1,777	173,0
3d quarter.....	315.1	311.5	1,806	1,802	174,0
4th quarter.....	315.8	315.2	1,802	1,798	175,0
1959: 1st quarter.....	320.9	320.3	1,822	1,818	176,0

¹ Income less taxes.

² Dollar estimates in current prices divided by consumer price index on a 1958 base.

³ Includes Armed Forces overseas and, beginning February 1959, Alaska. Annual data as of July 1; quarterly data centered in the middle of the period, interpolated from monthly figures.

Sources: Department of Commerce, Department of Labor, and Council of Economic Advisers.

Mr. GOLDWATER. I can understand the Senator from Pennsylvania objecting to the interpretation of Dr. Saulnier's remarks, but I cannot for the life of me understand how the very desirable goals to which the Senator addresses himself are to be attained if, at some place in our economic planning, we do not plan to produce more consumer goods each year, so that more people can be employed, so that more money can be made, and, in turn, still more people can be employed. I cannot understand how we could arrive at the Senator's ultimate goal of houses and cars for everyone—a very desirable goal, and certainly an American goal—if we did not constantly drive in our economy for greater production.

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

Mr. GOLDWATER. I yield.

Mr. CLARK. Let me say, in the first place, that I do not think we can conduct a meaningful debate within the limitations of the 3-minute rule.

In the second place, having great confidence in the intelligence and integrity of my very good friend from Arizona, I would appreciate it if he would take the time to read the speeches which have been made by the Senator from Minnesota [Mr. HUMPHREY], the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. KEATING], and myself during the past few days, and then take the floor again and make his contribution to this debate. I should be happy to listen to his comments at some length.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CLARK. Mr. President, I ask unanimous consent to be permitted to proceed for not to exceed an additional minute.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. CLARK. I should like to ask my friend from Arizona if he would read to me again the per capita figures. I caught the figure of \$1,708, but I missed the second figure.

Mr. GOLDWATER. The figure increased from \$1,708 to \$1,818, for the first quarter of 1959.

Mr. CLARK. I believe that if my friend will make the proper computation he will find that a total increase of \$116 in 5½ years, on an annual basis, shows an annual progress of about 1 percent a year, which buttresses what I have been saying about the gross national product and the production of consumer goods.

I agree with the Senator from Arizona that the gross national product figure contains a great deal of irrelevant material. I could not agree with him more that it is not as meaningful a figure as it should be. Nevertheless, it is the one to which the administration economists are always referring.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator may proceed.

Mr. GOLDWATER. I will say to the distinguished Senator from Pennsylvania that I have read most of the speeches on this subject. Perhaps I have

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which tells of the persecution of Koinonia Farm in Georgia.

At the time of the bombings in Jacksonville, Ralph McGill wrote in the Atlanta Constitution:

The mayors of a number of southern cities have organized to try and prevent further such outrages. This is a good move.

But let us not overlook the fact that these bombings are the fruit of the tree of defiance of law and of orderly process. In all the cities represented at the conference of disturbed mayors, there had been leaders in the press, and in public life who had attacked the Supreme Court, the President of the United States, and the U.S. Attorney General in the most reckless and abusive terms. That this inspired the criminal fringe to action cannot be denied.

It is one thing strongly to exercise the unquestioned American principle of dissenting from court and political decisions. But to abuse the institutions on which our country is based in violent, defiant terms cannot do otherwise than to encourage lawlessness and to excite the criminal fringe.

Irrational abuse and preachments of defiance of due process by persons in public life constitute a tree which bears the bitter fruits of bombings of churches and schools.

We should not blind ourselves to this fact. To do otherwise is to engage in self-deceit.

It has been frequently said that violence and direct action never have been far from southern folkways. This may be correct. There are also, however, other characteristics woven closely into southern culture: graciousness, good manners, relaxed living, and political sagacity. There would be little point in compiling the record set out in the following and preceding pages unless we believed that these later qualities will in time prevail.

Mr. JAVITS. Mr. President, this sorry and tragic recital only demonstrates the extent of defiance of law affecting not only the Negro minority but, with increasing intensity, other religious minorities like Jews and Catholics as well as moderates who are white and even Indians; also encompassed are business and industries, too, that must inevitably be vitally affected. The report underlines the need for legislation which has been pending in the Senate for almost 6 months now to deal with the bombings of the innocent, the lynchings, the dissemination of hate literature and the effort to better safeguard civil liberties and rights, the heritage of all of us. I condemn no one; I merely state the fact.

I believe that this report presents a real challenge to the leadership of the majority in the Senate which has the primary responsibility for bringing measures before this body. It points up the fact that excessive delay is just not tolerable in the situation which faces the Nation in the South. Though I have no illusions about panaceas of law, it is a fact that Federal law can at least show that we mean to help within the limits of law.

I see two basic reasons for the situation portrayed in this report: First, a widespread disrespect for law when often the most responsible members of a community and those in official positions are in defiance of the law as enunciated by the Supreme Court; second, the failure so far of the Federal Government to it-

self assert the supremacy of the Constitution through adequate laws of its own. The most striking example of that is the inability of the Federal enforcement machinery to follow through, notwithstanding a reportedly affirmative FBI investigation, in the Mack Charles Parker lynching.

I pay tribute to the Governor of Mississippi. He did call in the FBI and he has purposed to place the matter before the grand jury. The fact is, however, that the FBI had to be withdrawn because there was no law under which it could proceed.

This report soberly and seriously calls us to action. It is addressed as well to the people of the affected Southern States themselves. It is hard to see how with their traditional respect for law they can tolerate the situation shown by this report. I consider it our bounden duty to act on the needed legislation at this session of Congress and I do not see how we can do it unless a bill is brought up before the Senate before the 4th of July. The responsibility is particularly that of the Senate majority leadership. Senator JOHNSON has already shown his attitude by proposing a civil rights bill himself. I think the time has now come to urge that it be brought up, every regard for normal committee procedures having certainly been shown by now considering the exigencies of the situation.

THE NOMINATION OF LEWIS E. STRAUSS TO BE SECRETARY OF COMMERCE

Mr. JOHNSTON of South Carolina. Mr. President, I send to the desk an editorial from the June 10, 1959, Anderson (S.C.) Independent newspaper.

In my opinion this editorial clears away the smoke screen surrounding the nomination of Admiral Strauss to be Secretary of Commerce and accurately brings out the most vital issues.

The editorial first points out that at issue is the question of Admiral Strauss' participation in the Dixon-Yates scheme. Second, it points out Admiral Strauss' adherence to the doctrine of secrecy in government. It sums up the feeling of many who oppose Admiral Strauss with this remark:

If we have come to a time when arrogance, conceit, and deceit are qualifications for high office in this land, then Strauss is eminently qualified.

This editorial expresses my sentiments regarding the nomination of Admiral Strauss, and I feel it will be of great benefit to others to read this concise and accurate presentation of the situation. I ask that this editorial be printed in the body of the RECORD.

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

STRAUSS DEFENDERS WOULD REWARD AN OFFICIAL FOR WILLFUL DECEIT

Those three old hags of the Ike-Republican chorus line in South Carolina have lock-stepped, puppet-like, onto the stage to sing in praise of Lewis Strauss.

The Columbia State says Strauss overcame great obstacles to have the Parr Shoals atomic

powerplant situated in South Carolina, thus proving he's a friend of the South.

The me-too Greenville News (also a backer of Ike and NAACP Nixon) says it's downright sinful for Senators to dare raise objections to this great and good man who, it is indicated, is likely to unfold his angel's wings at any time.

And the Charleston News and Courier, taking a long flight into the wild blue yonder of absurdity, says "socialism and its twin, inflation, are mirrored in the battle over Admiral Strauss."

The State, as usual, was careless with the facts. Senator CLINTON ANDERSON was quick to point out that AEC approval for Parr Shoals came only after Strauss' outfit was prodded into action by the Joint Atomic Committee of Congress; and that, in fact, if it had depended upon Strauss' approval, Parr Shoals might still be on the dreaming boards.

Totally ignored by all three of these Republican self-styled defenders of principle is the basic issue involved. That issue is simply the question of plain honesty.

Strauss' part in the abortive Dixon-Yates scandal is a shady page in this record in Government.

The point is not whether Strauss favors monopoly by utilities holding companies as against yardstick public power projects. He is a product of Wall Street, and it is expected and normal that he should side with the utilities barons.

The real issue is whether he was honest with Congress and the people in the handling of the Dixon-Yates scheme.

The facts show that Strauss and others involved in this deal were revealed, despite denials, to have conspired to build a powerplant with Government money for a few favored individuals.

Strauss is a champion of "executive privilege," which is the gobbledygook name for secrecy in Government.

In the Dixon-Yates and other matters the Strauss tactic is to avoid disclosing questionable official actions by hiding behind "executive privilege."

This he has done consistently in the past and, if confirmed, will continue to do in the future.

Senator JOHN CARROLL, of Colorado, says: "No administration in American history has gone so far to extend the doctrine of secrecy. And this must be a very serious concern to every Senator as he votes on Admiral Strauss."

The real puzzler is why President Eisenhower insists on having Strauss as Secretary of Commerce. What is the real motive? What forces are going all out for Strauss? Certainly there are many able Republicans who could fill the position as well.

If we have come to a time when arrogance, conceit and deceit are qualifications for high office in this land, then Strauss is eminently qualified, but let's skip this misleading stuff about him being a special friend of the South persecuted by Senators because he is a foe of that old bogeyman, socialism.

AIRPORT CONSTRUCTION

Mr. GRUENING. Mr. President, when the Senate was considering S. 1, the Aid to Airports Act, earlier this week, I commended the able junior Senator from Oklahoma (Mr. MONROE) for his valiant efforts in trying to get progressive, modern, and much needed airport legislation enacted at this session of the Congress.

The Senate was at that time acting, as the distinguished junior Senator from Oklahoma said, "almost with a loaded

The Ku Klux Klan, dormant for years, has made disorganized efforts at revival. It has been badly led, often merely ridiculous and ludicrous in its actions; it has been unpopular and unwelcome in most communities. Nevertheless, its very recklessness earns it the distinction of being taken seriously. In April 1958 the Anti-Defamation League estimated the membership of the U.S. Klan, Knights of the Ku Klux Klan, headed by Eldon Edwards of Atlanta, at between 12,000 and 15,000; the North Carolina Klan was thought to have between 2,000 and 5,000 members, and each of the seven other Klan organizations not more than 1,500. The ADL said the South has responded to them with "intense hostility" and aversion, but added that, "as a breeder of violence and an incitement to the worst criminal elements in society, the KKK is not to be dismissed or taken lightly." The Klan of the 1950's has obstacles which did not exist in earlier years. Several States have antimask laws (sometimes Klansmen now wear dark-rimmed eyeglasses without lenses along with their robes and hoods), and many towns and cities enforce against it their ordinances regulating demonstrations and incitement to riot.

The question arises whether a mere Klan meeting comes within the scope of this report, for it is impossible to assess the degree of implied intimidation in an ostensibly peaceful gathering. Some meetings are listed where a note of intimidation seems clear, where something out of the ordinary occurred or a particularly inflammatory statement was made. For the rest, a quick sampling gives an idea of the scope of the Klan.

In Florida, at least 1,000 attended a Klan meeting near Jacksonville in September 1956, jamming suburban traffic for hours; the same month, Klan leaflets were distributed at Tarpon Springs on the west coast, where tension existed over reports that Negroes planned to use a beach. In February 1957, about 4,000 gathered at a private ranch outside Gainesville and heard one hooded speaker declare, "We are not a violence organization. But we are not a social club, either. We are not pussyfooting around." In August 1957, Klansmen paraded at a downtown theater in Jacksonville protesting showing of the movie "Island in the Sun," starring white and Negro actors.

At Stone Mountain, Ga., long-time Klan meeting place outside Atlanta, an estimated 1,200 cars brought Ku Klux Klan members from 5 States for a rally in September 1956. The same month about 300 members gathered in Macon. In November, about 3,500 persons again met at Stone Mountain, with the leader angered by the refusal of Atlanta police to provide an escort. About the same time, the mayor of Savannah denied the Klan use of the city park. In December 1956, a "gigantic" rally brought only 40 Klansmen from 4 States to Columbus, where 50 city policemen turned them away from the baseball park; by the time they moved to a vacant lot to burn a cross, only 3 Klansmen were on hand and they had to saw the cross to a size they could handle, while amused spectators watched. Knights of the Ku Klux Klan met at Warner Robins, near Macon. Maj. Gen. A. V. P. Anderson, commander of nearby Warner Robins Air Materiel Area, had warned earlier that the Air Force would initiate additional security investigation of any Robins Air Force Base personnel identified as members of any Klan group.

In Ozark, Ala., the city council on December 13, 1957, refused to let the Ku Klux Klan use the city park for an organizational meeting. Mayor Douglas Brown said, "We haven't had any trouble with the Negroes and the people here all get along. We hope we can get by without trouble if we don't have a Klan or a white citizens council." The Klan had earlier appeared in Tuscaloosa, scene of mob rioting when Miss Autherine

Lucy enrolled at the University of Alabama in February 1956. Hooded men paraded the streets the next month, and in April about 75 burned a cross 6 miles from town.

The Klan also turned up again in North and South Carolina. Many in those States thought the Ku Klux Klan had been stamped out between May 1952 and December 1954, after its activities in southeastern North Carolina and northeastern South Carolina which resulted in the prosecution of 101 persons in flogging and kidnaping cases.

Nevertheless, in October 1956 a "motley crowd of nearly 1,000 gathered, some out of curiosity" to watch for the first time a Klan meeting in Concord, N.C., according to the Charlotte Observer. The sheriff and his 15 deputies were on guard. In December, about 300 attended a Klan meeting in Greensboro to hear a speaker standing on a flatbed truck with no license plates. At Statesville, a Klan "wizard" received only scattered applause and some heckling from a group of young people in August 1957.

KKK activity began again in the eastern part of South Carolina in August 1955, with a small group burning a cross in Florence County and about 1,000 converging at Manning. The following February, the first public Klan rally at Orangeburg in many years began with a motorcade of about 55 robed figures. In mid-June, some 1,000 attended a meeting staged by 75 robed Klansmen in the upcountry area between Greenville and Pickens. The next month, hooded and masked Klansmen sought \$3 memberships from a crowd of 2,000 at Camden and claimed they signed up 800. In September, at least three Klan meetings were held—at Dillon, Gaffney, and near Hartsville. The largest Klan rally in South Carolina in years was held in Spartanburg in October; a Greenville News reporter estimated the crowd at from 6,000 to 10,000. That month smaller meetings were held near Pomaria and Rock Hill. In January 1958, more than 200 robed Klansmen formed a human cross on the statehouse steps to advertise a rally.

In April 1957, approximately 1,500 gathered, about 500 in white robes, in Cleveland, Tenn., for a rally of the Knights of the KKK. Speakers denounced both Negroes and Jews.

Following is a list of additional meetings and action by resistance groups, telephone and mail threats and other instances of intimidation. The list, including the 27 Klan meetings mentioned above and those which follow, add up to a total of at least 210 instances. (In some cases an individual may have been threatened more than once but this is counted as a single instance.)

PART 2. REPRISALS

Intimidation is a technique more natural to a rural than an urban, industrialized society. Perhaps the changed economic life of the South has been the principal reason articulate Southerners have condemned the crude methods of repression, although without succeeding in stamping them out. However, one of the old methods has had more currency among leaders and other respectable elements of the white community. This is the employment of superior economic strength to discipline the Negro. There is nothing new in this practice, even in slave times it was used against free Negroes, and Negroes ever since have known well the conditions for credit or land tenure. Some southerners since 1954 have, however, elaborated and organized the methods of economic reprisal until a recognizable new and modern instrument has taken form. Most commonly associated with the White Citizens Council, the weapon of reprisal has deprived Negroes and nonconforming whites of jobs, of credit, of supplies for their businesses.

The policy of reprisal against whites was perhaps most clearly stated by Roy Harris of Augusta, Ga., president of the Citizens Councils of America, Inc., at a citizens coun-

cil rally in Orlando which attracted 600 segregationists from Florida, Georgia, Alabama and Mississippi. Amid shouts of amen, brother, Harris called for:

1. Reduction of all political campaign issues in all State and local elections to a single question, "who's the strongest man for segregation?"

2. A boycott of merchants who fail to join and actively support racial segregation.

3. A straightening out for clergymen who preach "the brotherhood of man."

4. Chasing Ralph McGill, editor of the Atlanta Constitution clean out of the State of Georgia.

5. A fight against all agencies of mass communication—newspapers, magazines, radio and television stations.

6. Absolute defiance of all Federal court rulings favoring racial integration by every means and at every cost.

Harris labeled all persons who disagreed with his view as "traitors and quislings." (September 23, 1958—E, F) Reprisal is, of course, a weapon which Negroes now have the strength also to wield, and they have done so. The pages which follow include descriptions of the bus boycott of Montgomery, the virtual strangulation of Tuskegee and such other widely reported stories as those of Orangeburg, S.C., Tallahassee, Fla. and Rock Hill, S.C.

In short, it is necessary to reckon with the determination that inspires both white and Negroes. For twelve months the world saw a rare portrayal of the resources of human fortitude, as day after day 50,000 Negroes walked in Montgomery during the bus boycott. The fact is sometimes overlooked that the boycott did not defeat the city of Montgomery; segregation was maintained on the buses, until a Federal court outlawed it. Nor has the boycott of Tuskegee merchants led to their capitulation; here is a town apparently preferring financial suicide to reform of its racial policies. As the determination of the Negroes of Tuskegee to have reform seems equally strong.

It is, then, a deeply disturbing history which this section of the report sketches. The following list covers 95 cases. The figure, however, does not tell the whole story for some of the instances counted as a single item involve untold hundreds of men and women, since they cover citywide protest movements. Listed as one item are the voting purges in Louisiana, where names of several thousand Negroes were removed from registration lists.

PART 3. VIOLENCE

There is no simple way to distinguish the events noted in this section from those earlier reported under the heading "Intimidation" except to say that these are bigger, and if anything more purposeless. This list of 225 acts against private liberties and public peace includes: 6 Negroes killed; 29 individuals, 11 of them white, shot and wounded in racial incidents; 44 persons beaten; 30 stabbed; 30 homes bombed; in one instance (at Clinton, Tenn.) an additional 30 homes were damaged by a single blast; attempted blasting of five other homes; 8 homes burned; 15 homes struck by gunfire, and homes stoned; 4 schools bombed, in Jacksonville, Nashville, and Chattanooga, and Clinton, Tenn.; 2 bombing attempts at schools, in Charlotte and Clinton; churches bombed, one of which was by whites; an attempt made to bomb a Negro church; 1 church in Memphis burned; another church stoned; 4 Jewish temples, centers bombed, in Miami, Nashville, Jacksonville, and Atlanta; 3 bombing attempts on Jewish buildings, in Gastonia, N.C., Birmingham, and Charlotte; 1 YWCA hall in Chattanooga and an auditorium in Nashville dynamited; 2 schools burned. In addition, 17 towns and cities were threatened with mob action. The list also has an in-

of the sole question before us; namely, the validity of the order of contempt for refusal to produce the list of guests at World Fellowship, Inc., during the summer seasons of 1954 and 1955. In addition to the arguments appellant made to the trial court, he urges here that the indefinite sentence imposed upon him constitutes such cruel and unusual punishment as to be a denial of due process.

Appellant vigorously contends that the New Hampshire Subversive Activities Act of 1951¹ and the resolution creating the committee have been superseded by the Smith Act, as amended.⁴ In support of this position appellant cites *Pennsylvania v. Nelson*, supra. The argument is that Nelson, which involved a prosecution under a State sedition law, held that Congress had intended to occupy the field of sedition. This rule of decision, it is contended, should embrace legislative investigations made pursuant to an effort by the legislature to inform itself of the presence of subversives within the State and possibly to enact laws in the subversive field. The appellant's argument sweeps too broad. In Nelson itself we said that the "precise holding of the Court . . . is that the Smith Act . . . which prohibits the knowing advocacy of the overthrow of the Government of the United States by force and violence, supersedes the enforceability of the Pennsylvania Sedition Act which proscribed the same conduct" (350 U.S., at 499). The basis of Nelson thus rejects the notion that it stripped the States of the right to protect themselves. All the opinion proscribed was a race between Federal and State prosecutors to the courthouse door. The opinion made clear that a State could proceed with prosecutions for sedition against the State itself; that it can legitimately investigate in this area follows a fortiori. In *Swezey v. New Hampshire*, supra, where the same contention was made as to the identical State act, it was denied sub silentio. Nor did our opinion in Nelson hold that the Smith Act had proscribed State activity in protection of itself either from actual or threatened sabotage or attempted violence of all kinds. In footnote 8 of the opinion it is pointed out that the State had full power to deal with internal civil disturbances. Thus registration statutes, quo warranto proceedings as to subversive corporations, the subversive instigation of riots and a host of other subjects directly affecting State security furnish grist for the State's legislative mill. Moreover, the right of the State to require the production of corporate papers of a State-chartered corporation in an inquiry to determine whether corporate activity is violative of State policy is, of course, not touched upon in Nelson and today stands unimpaired, either by the Smith Act or the Nelson opinion.

Appellant's other objections can be captioned into the single question of whether New Hampshire, under the facts here, is precluded from compelling the production of the documents by the due process clause of the 14th amendment. Let us first clear away some of the underbrush necessarily surrounding the case because of its setting.

First, the academic and political freedoms discussed in *Swezey v. New Hampshire*, supra, are not present here in the same degree, since World Fellowship is neither a university nor a political party. Next, since questions concerning the authority of the committee to act as it did are questions of State law, *Dwyer v. Illinois*, 187 U.S. 71, 84 (1902), we accept as controlling the New Hampshire Supreme Court's conclusion that "[t]he legislative history makes it clear

beyond a reasonable doubt that it [the legislature] did and does desire an answer to these questions" (101 N.H., at 140, 136A, 2d, at 221-222). Finally, we assume, without deciding, that Uphaus had sufficient standing to assert any rights of the guests whose identity the committee seeks to determine. See *National Association for the Advancement of Colored People v. Alabama*, 357 U.S. 449 (1958). The interest of the guests at World Fellowship in their associational privacy having been asserted, we have for decision the Federal question of whether the public interests overbalance these conflicting private ones. Whether there was justification for the production order turns on the substantiality of New Hampshire's interests in obtaining the identity of the guests when weighed against the individual interests which the appellant asserts. *National Association for the Advancement of Colored People v. Alabama*, supra.

What was the interest of the State? The attorney general was commissioned⁵ to determine if there were any subversive persons⁶ within New Hampshire. The obvious starting point of such an inquiry was to learn what persons were within the State. It is therefore clear that the requests relate directly to the legislature's area of interest, i.e., the presence of subversives in the State, as announced in its resolution. Nor was the demand of the subpoena burdensome; as to time, only a few months of each of the 2 years were involved; as to place, only the camp conducted by the corporation; nor as to the lists of names, which included about 300 each year.

Moreover, the attorney general had valid reason to believe that the speakers and guests at the World Fellowship might be subversive persons within the meaning of the New Hampshire act. The Supreme Court of New Hampshire found Uphaus' contrary position "unrelated to reality." Although the evidence as to the nexus between World Fellowship and subversive activities may not be conclusive, we believe it sufficiently relevant to support the attorney general's action. The New Hampshire definition of "subversive persons" was born of the legislative determination that the Communist movement posed a serious threat to the security of the State. The record reveals that appellant had participated in Communist front activities and that "[not] less than 19 speakers invited by Uphaus to talk at World Fellowship had either been members of the Communist Party or had connections or affiliations with it or with one or more of the organizations cited as subversive or Communist controlled in the U.S. Attorney General's list" (100 N.H., at 442, 130 A. 2d, at 283). While the Attorney General's list is designed for the limited purpose of determining fitness for Federal employment, *Wicman v. Updegraff*, 344 U.S. 183 (1952), and guilt by association remains a thoroughly discredited doctrine, it is with a legislative investigation—not a criminal prosecution—that we deal here. Certainly the investigatory power of the State need

not be constricted until sufficient evidence of subversion is gathered to justify the institution of criminal proceedings.

The nexus between World Fellowship and subversive activities disclosed by the record furnished adequate justification for the investigation we here review. The attorney general sought to learn if subversive persons were in the State because of the legislative determination that such persons, statutorily defined with a view toward the Communist Party, posed a serious threat to the security of the State. The investigation was, therefore, undertaken in the interest of self-preservation, "the ultimate value of any society," *Dennis v. United States*, 341 U.S. 494, 509 (1951). This governmental interest outweighs individual rights in an associational privacy which, however real in other circumstances, cf. *National Association for the Advancement of Colored People v. Alabama*, supra, were here tenuous at best. The camp was operating as a public one, furnishing both board and lodging to persons applying therefor. As to them, New Hampshire law requires that World Fellowship, Inc., maintain a register, open to inspection of sheriffs and police officers.⁷ It is contended that the list might be "circulated throughout the States and the attorneys general throughout the States have cross-indexed files, so that any guest whose name is mentioned in that kind of proceeding immediately becomes suspect, even in his own place of residence." Record, page 7. The record before us, however, only reveals a report to the Legislature of New Hampshire made by the attorney general in accordance with the requirements of the resolution. We recognize, of course, that compliance with the subpoena will result in exposing the fact that the persons therein named were guests at World Fellowship. But so long as a committee must report to its legislative parent, exposure—in the sense of disclosure—is an inescapable incident of an investigation into the presence of subversive persons within a State. And the governmental interest in self-preservation is sufficiently compelling to subordinate the interest in associational privacy of persons who, at least to the extent of the guest registration statute, made public at the inception the association they now wish to keep private. In the light of such a record we conclude that the State's interest has not been "pressed, in this instance, to a point where it has come into fatal collision with the overriding" constitutionally protected rights of appellant and those he may represent. *Cantwell v. Connecticut*, 310 U.S. 296, 307 (1940).

We now reach the question of the validity of the sentence. The judgment of contempt orders the appellant confined until he produces the documents called for in the subpoenas. He himself admitted to the court that although they were at hand, not only had he failed to bring them with him to court, but that, further, he had no intention of producing them. In view of appellant's unjustified refusal we think the order a prop-

¹ Since 1927, there has been in effect the following statute in New Hampshire:

"All hotel keepers and all persons keeping public lodging houses, tourist camps, or cabins shall keep a book or card system and cause each guest to sign therein his own legal name or name by which he is commonly known. Said book or card system shall at all times be open to the inspection of the sheriff or his deputies and to any police officer." N.H. Rev. Stat. Ann., 1955, c. 333, sec. 3.

The attorney general represents that the public camp of World Fellowship, Inc., is clearly within the purview of this statute. Although the lists sought were more extensive than those required by the statute, it appears that most of the names were recorded pursuant to it.

⁵ Note 1, supra.

⁶ Sec. 1 of the Subversive Activities Act, N.H. Rev. Stat. Ann., 1955, ch. 588, secs. 1-16, defines "subversive person":

"Subversive person" means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises, or teaches, by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the Government of the United States, or of the State of New Hampshire, or any political subdivision of either of them, by force or violence; or who is a member of a subversive organization or a foreign subversive organization."

⁷ N.H. Rev. Stat. Ann., 1955, c. 588, secs. 1-16.

⁴ Note 2, supra.

"In other words, you feel that we would still be able to conduct sufficient military experimentation so that we wouldn't drop behind in certain weapon categories?"

"Provided the Soviets also handle it the same way. Of course, we must have an inspection agreement that we can rely upon."

"What position would you like to see the Democrats take on the question of foreign aid?"

"I believe that we should have a foreign aid program with the emphasis on loans, but should be much more careful as to how it is administered. Personally, I am for more economic aid, as against military aid. The latter is proving to be somewhat of a sham. Properly administered, the former will help preserve freedom all over the world."

"On defense, do you feel that there is much more that the administration could tell the public without jeopardizing its sources of information on specific Soviet strength or compromising national security?"

"There isn't any question about that. It is basic to our type of government that the people have the right to know all information which would not help a possible enemy. The American people are not nearly as well informed about defenses, for example, as are the British or the French."

"If it is the policy of this administration to reduce our defenses, they have that right under our Constitution. But they should not mislead the people as to our relative strength in their efforts to, you might say, put budget figures before defense forces."

"At this point, however, I should like to bring up something else. For many years, I have felt that if we would reorganize the Pentagon, building on the basis of progress, instead of continuing to let it drift in tradition, we would not need more money for defense than we are spending today."

"But you would favor raising taxes for defense if necessary?"

"Without question. If we are satisfied that we are handling our defenses with maximum efficiency and if we need more tax revenue, I am confident the American people would be willing to pay them. Let me point out that possible new taxes may not be required for just the military problem. Communism is now attacking us on all fronts—technologically, psychologically, politically, and above all economically. This latter is as great a danger as the military danger."

"What is your estimate on how many intercontinental ballistic missiles the Soviets now have and how many we will have in the future?"

"That is a classified figure which I cannot give you. The Secretary of Defense has stated we were planning to let the Russians obtain a 3-to-1 lead in the ICBM field. I believe the lead we are planning to let them have is considerably greater than that. We all agree, however, that we plan to let the Russians get a long lead in this, the missile many think is the most important weapon of the time."

"Do you completely discount the administration's theory of a balanced defense—with missiles of many different ranges which would balance off the total long-range strength of the Soviets?"

"No, indeed. As I see it, there are three requirements the United States needs to be reasonably secure from physical attack. The first is that we must be able to get up off the ground after a surprise attack and destroy the attacker."

"Second, and equally important, is that not only we and our allies must know that we have that strength, but the possible enemy must also know it. If he does, he will never attack us."

"Third, we need the capacity to wage what has been called a limited peripheral war."

"Today we do have adequate strength relative to point one and, therefore, also have point two. However, if we don't change promptly and radically some of our policies, we will not have such strength in the near future. In respect to the third point, I think we have weakened our capacity to wage a limited war in defense to the point where that is now one of the reasons we face increasing Communist aggression."

"What is your position as between the strong civil rights bill of Senator DOUGLAS and the more moderate proposals of the administration and Senator JOHNSON."

"My position is that this must be a government of law and not of men. We've seen some terrible things happen to the world when law was subordinated to the wishes of men. The Supreme Court has made its decision. I believe it is the duty of every citizen to obey that decision."

THE COMMUNIST THREAT

Mr. BRIDGES. Mr. President, New Hampshire and 41 other sovereign States have been for the past 3 years legally immobilized from investigating and prosecuting Communists and subversive elements in their respective States. In an effort to remedy this situation, which resulted from the Steve Nelson decision in 1956, I have sponsored legislation designed to neutralize the effect of that decision. In addition to my bill, there are other measures on this subject which are presently being considered by the Senate Judiciary Committee. The Supreme Court on June 8, 1959, handed down several decisions which have a bearing on the legislation which I have introduced. One of these decisions was entitled "Willard Uphaus Against Louis C. Wyman, Attorney General, State of New Hampshire." Because of the great public interest which has been evident in this field, I ask unanimous consent that the majority opinion in this case be printed at this point in the body of the RECORD as a part of my remarks.

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

SUPREME COURT OF THE UNITED STATES—No. 34—OCTOBER TERM, 1958—WILLARD UPHAUS, APPELLANT, V. LOUIS C. WYMAN, ATTORNEY GENERAL, STATE OF NEW HAMPSHIRE—ON APPEAL FROM THE SUPREME COURT OF NEW HAMPSHIRE—JUNE 8, 1959

Mr. Justice Clark delivered the opinion of the Court.

This case is here again on appeal from a judgment of civil contempt entered against appellant by the Merrimack County Court and affirmed by the Supreme Court of New Hampshire. It arises out of appellant's refusal to produce certain documents before a New Hampshire legislative investigating committee which was authorized and directed to determine, inter alia, whether there were subversive persons or organizations present in the State of New Hampshire. Upon the first appeal from the New Hampshire court, 100 N.H. 436, 130 A. 2d 278, we vacated the judgment and remanded the case to it for consideration in the light of *Sweezy v. New Hampshire* (354 U.S. 234 (1957)). That court reaffirmed its former decision (101 N.H. 139, 136 A. 2d 221), deeming *Sweezy* not to control the issues in the instant case. For reasons which will appear, we agree with the Supreme Court of New Hampshire.

As in *Sweezy*, the attorney general of New Hampshire, who had been constituted a one-

man legislative investigating committee by joint resolution of the legislature, was conducting a probe of subversive activities in the State. In the course of his investigation the attorney general called appellant, executive director of World Fellowship, Inc., a voluntary corporation organized under the laws of New Hampshire and maintaining a summer camp in the State. Appellant testified concerning his own activities, but refused to comply with two subpoenas duces tecum which called for the production of certain corporate records for the years 1953 and 1955. The information sought consisted of: (1) A list of the names of all the camp's nonprofessional employees for those two summer seasons; (2) the correspondence which appellant had carried on with an concerning those persons who came to the camp as speakers; and (3) the names of all persons who attended the camp during the same periods of time. Met with appellant's refusal, the attorney general, in accordance with State procedure (N.H. Rev. Stat. Ann. c. 491, secs. 19, 20), petitioned the Merrimack County Court to call appellant before it and require compliance with the subpoenas.

In court, appellant again refused to produce the information. He claimed that the Smith Act,¹ as construed by this Court in *Pennsylvania v. Nelson* (350 U.S. 495 (1956)), Congress had so completely occupied the field of subversive activities that the States were without power to investigate in that area. Additionally, he contended that the due-process clause precluded enforcement of the subpoenas, first, because the resolution under which the Attorney General was authorized to operate was vague and, second, because the documents sought were not relevant to the inquiry. Finally, appellant argued that enforcement would violate his rights of free speech and association.

The Merrimack County court sustained appellant's objection to the production of the names of the nonprofessional employees. The attorney general took no appeal from that ruling, and it is not before us. Appellant's objections to the production of the names of the camp's guests were overruled and he was ordered to produce them. Upon his refusal, he was adjudged in contempt of court and ordered committed to jail until he should have complied with the court order. On the demand for the correspondence and the objection thereto, the trial court made no ruling but transferred the question to the Supreme Court of New Hampshire. The court affirmed the trial court's action as to the guest list. Concerning the requested production of the correspondence, the Supreme Court entered no order, but directed that on remand the trial court "exercise its discretion with respect to the entry of an order to enforce the command of the subpoena for the production of correspondence" (100 N.H., at 448, 130 A. 2d, at 287). No remand having yet been effected, the trial court has not acted upon this phase of the case, and there is no final judgment requiring the appellant to produce the letters. We, therefore, do not treat with this question (28 U.S.C., sec. 1257). See *Int'l Station WOW v. Johnson* (326 U.S. 120, 124 (1945)). We now pass to a consideration

¹ "Resolved by the senate and house of representatives in general court convened. That the attorney general is hereby authorized and directed to make full and complete investigation with respect to violation of the subversive activities act of 1951 in order to determine whether subversive persons defined in said act are presently located within this State" (N.H. Laws, 1953, c. 307).

The investigation authorized by this resolution was continued by New Hampshire Laws, 1955, c. 197.

² 18 U.S.C., sec. 2385 (1956).

er one. As was said in *Green v. United States* (356 U.S. 166, 197 (1958)) (dissenting opinion):

"Before going any further, perhaps it should be emphasized that we are not at all concerned with the power of courts to impose conditional imprisonment for the purpose of compelling a person to obey a valid order. Such coercion, where the defendant carries the keys to freedom in his willingness to comply with the court's directive, is essentially a civil remedy designed for the benefit of other parties and has quite properly been exercised for centuries to secure compliance with judicial decrees."

We have concluded that the committee's demand for the documents was a legitimate one; it follows that the judgment of contempt for refusal to produce them is valid. We do not impugn appellant's good faith in the assertion of what he believed to be his rights. But three courts have disagreed with him in interpreting those rights. If appellant chooses to abide by the result of the adjudication and obey the order of the New Hampshire's courts, he need not face jail. If, however, he continues to disobey, we find on this record no constitutional objection to the exercise of the traditional remedy of contempt to secure compliance. Affirmed.

Mr. BRIDGES. Mr. President, editorial comment on these decisions of June 8, 1959, have been rampant. One of particular interest to me was one appearing in the Washington Post on June 11, 1959. That editorial observes that the Uphaus decision "has the effect of clarifying and limiting the Court's previous opinion in the Nelson case." I should like to say at this time that I believe the efforts of the Court in attempting to clarify the Nelson decision are to be commended. Unfortunately, however, the Uphaus decision does not neutralize the Nelson case.

S. 294, which I introduced on January 14, 1959, will accomplish that end. It will restore to the respective States their right to preserve themselves without requiring further extended judicial discussions as to whether that right exists. It will allow the States to once again be an added deterrent in the never-ending struggle with subversion.

Various editorials have correctly stated that the Supreme Court is "sensitive to the need to rectify misunderstandings." The Court is to be commended for their efforts in the Uphaus decision by restoring some stability in a legal area grounded on quicksand.

Senatorial and public interest in the subject matter of these June 8, 1959, decisions is apparent from some of the Nation's metropolitan newspaper editorials. I have secured a cross section of those editorials which I believe will be of interest to my colleagues, and which I ask unanimous consent to have printed in the RECORD at this point.

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

[From the Washington Post, June 11, 1959]

UNDERMINED CURB

Members of the House Republican Policy Committee who on Tuesday gave robot endorsement to the Smith bill to override the Supreme Court can scarcely have understood the meaning of what the Court did on Monday. The majority opinion in the Uphaus case has the effect of clarifying and limiting the Court's previous opinion in the

Nelson case which is a focal point of the Smith bill.

Specifically, the Uphaus decision makes plain that the Supreme Court in the Nelson case did not deprive the States of the right to prosecute for sedition against the State; all it proscribed "was a race between Federal and State prosecutors to the courthouse door" to deal with "the same conduct." Thus the 1956 Court ruling that Pennsylvania could not prosecute Nelson for advocacy of overthrow of the United States by force and violence because a 1940 congressional act occupied this field did not mean that the State could not prosecute for other seditious activities. This clarification removes any excuse for the section of the Smith bill which would in effect set aside the Nelson decision by stating that Congress could preempt State legislation only by explicitly expressing such intent.

By no means all of the mischief in the Smith bill is contained in this one area. By voiding the doctrine of congressional preemption—retroactively—it would invite competitive State regulation in other areas such as labor disputes. It would open the door to endless litigation on matters already long decided, and it would strip the Supreme Court of much of the power to interpret the intent of Congress when that intent was not expressly stated.

Altogether the Smith bill is a vicious measure. Seemingly conceived as a frontal attack upon the Supreme Court for past civil liberties decisions, it was given respectability by the ill-concealed criticisms from the American Bar Association last winter. Not without reason has the Department of Justice opposed the Smith bill as the most hazardous legislation currently before Congress. Yet the bill passed the House by an overwhelming margin last year and only a single vote in the Senate prevented enactment. Fortunately, despite the pressure in the House, there is said to be less steam behind the bill in the Senate Judiciary Subcommittee this year.

If Members of the House will take the trouble to read Monday's Supreme Court decisions, particularly the Uphaus decision, we suspect that they too will come to doubt the wisdom of the Smith bill. What the affair really demonstrates is the danger of attempting to legislate in retaliation against particular Supreme Court decisions which some persons or groups may not approve. The Supreme Court seeks to maintain a balance, and is itself sensitive to the need to rectify misunderstandings. Its jurisdiction and powers can be tampered with only at great peril to the checks which it has historically provided in the tripartite American system of Government. This curb ought to be consigned to the gutter.

[From the New York Times, June 11, 1959]

OPINIONS, 1957 AND 1959

The contrast between two important contempt decisions this week in the Supreme Court and those decided 2 years ago is bound to leave the layman puzzled. The earlier opinions, upsetting convictions for contempt of the House Un-American Activities Committee and a New Hampshire investigating body, were filled with language about constitutional limitations on investigators' excesses. The five-man majority, Monday, upholding the right of the same investigators to compel testimony, spoke in equally broad terms about the vital legislative function of inquiry and the need to protect the Nation against communism.

The factual distinctions drawn by the present majority may help to explain the difference in results. In 1957 the precise holding was a procedural one—that there had been no fair warning of the point of the investigation. This time the Court found that the witnesses had well known why they

were being questioned. Again, the Court emphasized that the focus of the inquiries this time was on communism, while in the earlier cases questions ranged into other associations.

The thrust, then, is that State and Federal legislatures must have broad power to investigate communism because it poses a threat of a special nature. A majority of the justices believes that, if inquiries into subversion are conducted with procedural fairness, the courts should not supervise their subject matter except perhaps in the most extreme cases; correction for other excesses will have to come through the political processes.

With all that we can agree. The record in the case of Lloyd Barenblatt does not disclose, we believe, the kind of unfairness justifying judicial intervention against Congress' necessary investigating power, whatever one thinks of the motivations of the House committee.

Supreme Court opinions have radiations beyond their narrow holdings. The Watkins case of 1957 was more than anything a symbol of resistance to excesses in investigations; it made clear that there were limits and that the Court was there to enforce them.

For this reason we regret some of Justice Harlan's broad language for the majority in the Barenblatt case. We agree with the professional critics who think the Chief Justice said too much in his opinion 2 years ago, but that does not justify overboardness now. Justice Harlan's strong words supporting the investigative role in fighting communism may give encouragement to Red-hunting of a kind undesirable as a policy if not barred as a matter of constitutional law. It must be said also that the New Hampshire inquiry considered in the second case yesterday comes alarmingly close to the kind of inquisition, devoid of legitimate purpose that would justify a judicial veto.

Justice Harlan's opinion does contain some caveats. A congressional committee may not investigate matters exclusively the concern of the judiciary or the executive. Investigations, like other governmental actions, are subject to the limitations of the Bill of Rights, and the Court will continue to scrutinize them, balancing private right against public need. No appraisal of Monday's decisions should overlook the continued acceptance of this important, if limited, judicial responsibility.

[From the Chicago Daily Tribune, June 11, 1959]

FRESH WIND BLOWING IN SUPREME COURT

Lloyd Barenblatt, once an instructor at Vassar College and before that a student at the University of Michigan, refused, back in 1954, to answer some questions put to him by the House Committee on Un-American Activities. The questions were intended to show to what extent communism had penetrated the university.

Willard Uphaus, director of an organization known as World Fellowship, Inc., refused to tell the attorney general of New Hampshire who were the guests at a summer camp operated by the fellowship. The attorney general had been authorized by New Hampshire's Legislature to inquire into subversive activities in the State.

Both these men were tried and sentenced for contempt by the lower courts and now both of them have heard their sentences confirmed by 5 to 4 majorities of the U.S. Supreme Court.

For years to come the question whether these two decisions mark a sharp break in the Court's thinking will be argued. For our part we believe there has been a definite change in the wind. Formerly there was a majority for the advanced libertarians of Black and Douglas. Now there is a

now majority on the side of judicial restraint in conflicts involving the right of Congress and the State legislatures to investigate subversion.

Of President Eisenhower's appointees two are in the libertarian camp: Chief Justice Warren and Justice Brennan. The President's other appointees—Justices Harlan, Whitaker, and Stewart—together with Frankfurter and Clark constitute the new majority.

It is worth noting that neither Barenblatt nor Uphaus gave the fifth amendment as his justification for remaining silent. These decisions, therefore, will not serve as direct precedents for convicting any fifth amendment boys.

It is worth noting, also, that in Justice Black's dissent in the Barenblatt case he almost invited Congress to order an investigation of communism in the colleges. These are his words:

"If the issue were merely whether Congress intended to allow an investigation of . . . communism in education, it may well be that we could hold the data cited by the court sufficient to support a finding of intent."

We hope Congress does not accept this invitation because we think it has more important work to do and we do not believe that professors are necessarily or frequently traitors.

[From the Philadelphia Inquirer, June 10, 1959]

SUBVERSION AND CONFUSION

Despite previous controversial Supreme Court rulings on the subject, Congress and the State still retain broad powers to investigate suspected subversion.

This is the essence of two majority decisions handed down by the High Court on Monday and, if it appears confusing to the ordinary layman, he is not alone. Instead of staying moves already underway in Congress to clarify Federal laws concerning subversive activities, the latest development should further emphasize their desirability.

Decisions in the two key cases upheld the powers of Congress and the State Legislatures by the slim margin of a 5 to 4 vote.

In the celebrated case of John T. Watkins, an organizer for the United Auto Workers, the Supreme Court had held that a congressional committee could not compel answers from a witness unless it made clear to him the subject of its inquiry and the pertinence of particular questions to that subject.

In the case of Steve Nelson, a Communist leader, the court had thrown out his conviction under Pennsylvania's Seditious Act.

To many, the Watkins ruling seemed a reasonable warning by the Court that congressional committees must treat witnesses fairly. Many others, however, including a large number in Congress, regarded the decision as a tight and perhaps strangling rein on Congressional investigations.

The Nelson case had been widely interpreted as knocking out all State seditious laws, as superseded by Federal legislation. The idea of seditious directed against any sovereign State or any State Government proceeding on its own to resist seditious has been ridiculed in some quarters.

It now appears that the intent of the Court majority on both questions has been misconstrued. In the Nelson case, Justice Tom Clark explains, all that the opinion proscribed was "a race between Federal and State prosecutors to the courthouse door."

In affirming this view, the Court has upheld convictions under New Hampshire's seditious law against Dr. Willard Uphaus, director of the New Hampshire World Federation Center. The conviction had stemmed from his refusal to provide the State Attorney General with a membership list of the center.

The test of the Court position on congressional investigative power was provided by the case of Lloyd Barenblatt, a former instructor at Vassar College, who had been convicted of contempt for refusing to answer questions about Communist associations by a subcommittee of the House Un-American Activities Committee.

Barenblatt's conviction has now been upheld by the Court, which overthrew his contention that the congressional committee has no constitutional authority to make him talk about associations with any person or group, Communist or not. The majority opinion also rejected the teacher's plea that the committee entry into the field of education was unconstitutional. Congress is not "precluded from interrogating a witness merely because he is a teacher," it stated.

The dissenting Justices, however, termed the House committee's inquiry "exposure purely for the sake of exposure." Only one vote kept that declaration from becoming the majority opinion of the Supreme Court.

The decisions settle, for the two immediate cases at least, some big questions left unanswered by the Watkins and Nelson rulings. But there remains such a deep division in the Court and such a considerable element of conflict and confusion, that clarifying legislation by Congress is a pressing need.

[From the Wall Street Journal, June 10, 1959]

THE REAFFIRMED TRUTHS

The Supreme Court, in two 5 to 4 decisions, upheld the right of both Congress and the States to inquire into the Communist conspiracy. And in doing so, the Court also did some other things:

It made more apparent than ever the philosophical breach on the Nation's highest bench.

It took the trouble to explain what it meant in two prior cases that touched on congressional questioning and State control of subversion that had been decided the other way.

It reaffirmed some basic truths that seemed clouded, in the minds of the public and of Congress, by some of its earlier decisions touching on communism.

And in doing all that, the Court gave its many defenders a chance to argue against its critics in Congress who would limit its jurisdiction.

In one decision, Justice Harlan held for the majority that a House Un-American Activities Subcommittee did not act improperly in asking a former Vassar College instructor questions about the Communist Party. In the text of the decision, Justice Harlan took care to point out that rule 2 years ago in the Watkins case—a decision that was widely regarded in Congress as unduly limiting its power to investigate—had no bearing in the case before it. In the other decision, Justice Clark wrote that the Nelson case, an earlier decision interpreted by some lawyers as knocking out State seditious laws, did not "strip the States of the right to protect themselves," and also had no bearing on the case before the Court.

The philosophical split becomes obvious when noses are counted on the two decisions; in both cases the same five judges upheld the investigatory powers of Congress and the States, and in both cases the same four judges—Chief Justice Warren and Justices Black, Brennan, and Douglas—held that the true purpose of both investigations was only, as Mr. Brennan put it, "exposure for exposure's sake." It is, we think, not unfair to conclude that the four dissenters were really saying that the Supreme Court was right the first time in the Nelson and Watkins cases and that the explanations of any difference were mere hairsplitting or worse. In any case, the four minority judges made

plain that they believe the investigations both in Congress and in New Hampshire were "to try witnesses and punish them because they are or have been Communists."

That, however, overlooks some of the basic truths that Justice Harlan reaffirmed in his majority opinion. Of right of Congress to investigate, he said, "The scope of the power of inquiry is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution." Such power, he reminded his dissenting brothers on the bench, must not be judged "on the basis of abstraction." Congress can investigate communism wherever it is thought to be. No man can claim freedom from interrogation merely because he is a teacher.

This sort of reasoning is, to be sure, somewhat different from some other decisions about communism. It may be that, as Mr. Dooley said long ago, the Supreme Court reads the election returns and critical voices have suggested a closer look at the rights of Congress and the States. It may be, as others have suggested, that these particular decisions prove that there has been no pattern at all in the High Court's thinking.

But whatever the reason, these truths needed reaffirmation by the Supreme Court, no less as a reminder to itself as to the country at large.

[From the Christian Science Monitor, June 10, 1959]

THE COURT AND CONTEMPT

It is easy to read overly broad meanings into Supreme Court decisions. Two just rendered may prove less substantial in their concessions to State and congressional authority than it first appears.

One looks like a retreat from the Nelson case where the Court held invalid a State law designed to protect the Federal Government from sedition. Now the Court says that decision did not affect efforts of States to protect themselves against sedition. Practical effects of this ruling may be limited. For sedition against States is not common.

In the other decision the Court appears to give back to Congress some of the powers it took away last year in the Watkins case. There, in another contempt case, it set up strong barriers against abuse of congressional investigative powers. In the present case it says a teacher was rightly held in contempt for refusing to answer questions put by a committee about his political beliefs.

Justice Harlan, in the majority opinion, reaffirms that there are constitutional limits on congressional investigations. He says the Court would be alert if an inquiry were attempted into the general freedom to teach and to learn. But he holds no individual rights were violated by the committee's questions.

Four justices strongly dissent. They declare this was in effect a legislative trial based on vague legal authority. Justice Brennan makes the further point that the record shows no purpose of the committee to frame legislation but merely exposure for the sake of exposure. This is the key question for public judgment.

In this newspaper's opinion too many congressional committees in recent years have stayed far from actual legislative functions. In addition to FBI activities, exposure—especially of the Communist conspiracy—may be desirable. But if exposure, not legislation, be the purpose, then a noncongressional, nonpartisan commission of distinguished citizens is the better instrument.

Justice Harlan says it is not the province of the Court to judge the wisdom or efficiency of congressional committees. But the public should certainly restrain the publicity-seeking personal promotion misuse of inquiries. And it should ask the Court to

hold the line against official oppression of individuals including those holding unpopular views.

Mr. BRIDGES. Mr. President, in addition to these editorials, I should like to make particular reference to an article by Arthur Krock appearing in the New York Times, as well as an editorial which appeared in the Manchester (N.H.) Union Leader, which I ask to have printed in the RECORD. Both of these commentaries are especially helpful in revealing the history and determining the present disposition of the Court in civil-rights cases. The Manchester Union Leader editorial, in addition to discussing the history of the Uphaus case, pays tribute to New Hampshire's Supreme Court and its distinguished attorney general. It reflects, I believe, the thinking of the vast majority of the people in New Hampshire who have long been aware of and vitally concerned with subversion and the undermining of our sovereign State. This is further typified in New Hampshire's motto, which is "Live free or die." We in New Hampshire are proud that it was our State which forced a showdown in this area, not only in the Uphaus case, but in its predecessor, the Sweezy case. New Hampshire has never had to take second place in the defense of its sovereignty and that of the Union. The action of the New Hampshire Supreme Court, as well as its learned attorney general, mirrors the continuing high tradition of our people.

In closing, Mr. President, I urge my colleagues, as I have in the past 3 years, to enact legislation which will once and for all neutralize the effect of the Nelson decision in its entirety. This undertaking should not be of a partisan nature. It is a common cause that once again will permit the respective States to work in partnership with the Federal Government for their mutual protection. It will show the world that Congress is united in the recognition of its responsibilities that subversion shall not go undetected in this great country.

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

[From the Manchester (N.H.) Union Leader, June 11, 1959]

THE UPHAUS CASE

The charmed life of Dr. Willard Uphaus, well known to New Englanders as director of so-called World Fellowship, may be drawing to a close. The U.S. Supreme Court, in a departure from a rash of pro-Communist decisions, has ruled that its 1956 Smith Act decision in the Steve Nelson case does not bar prosecution under State sedition laws. Thus, Dr. Uphaus of New Haven, Conn., whose work as director of the New Hampshire World Federation Center brought him to the attention of New Hampshire Attorney General Louis Wyman, finds himself near the end of his rope.

The case of Willard Uphaus is familiar to most local citizens. When Attorney General Wyman demanded a list of guests at the New Hampshire World Fellowship Center as part of his investigation of subversive activities in the Granite State, Uphaus flatly refused. He was ordered jailed until he complied, but was released under bond pending the outcome of his appeal.

As an outcome of the Supreme Court's decision in the case of Paul M. Sweezy, who also has refused to answer Wyman's ques-

tions, Uphaus asked the high tribunal to reverse his contempt conviction by New Hampshire courts. The Supreme Court on October 14, 1957, vacated the contempt judgment and ordered the New Hampshire Supreme Court to reconsider the Uphaus case in the light of the Sweezy decision, which held that the legislature had given Wyman too sweeping a mandate to investigate subversion. The New Hampshire Supreme Court, to its everlasting credit, again upheld the Uphaus conviction.

In Monday's decision, Justice Tom C. Clark, speaking for the majority, emphasized the point that "the nexus"—namely, the connection—between world fellowship and the subversive activities disclosed by the record "furnished adequate justification for the investigation we here review." Uphaus is now faced with the choice of complying with Attorney General Wyman's request for information, or, Clark said, "if he continues to disobey, we find on this record no constitutional objection to the exercise of the traditional remedy of contempt to secure compliance."

Those who have continued to defend Uphaus solely as an advocate of peace seem not to have read the record of Wyman's report to the New Hampshire General Court, which states that although Uphaus admitted affiliation with "four or five" Communist fronts, he is charged with affiliation with 23 organizations which have been cited or described by official Government agencies as Communist fronts or Communist infiltrated.

As we read the Supreme Court's decision in the Uphaus case, it once again puts New Hampshire and other States back in the business of investigating subversion against the State. That's an encouraging development indeed, and Attorney General Wyman is to be commended for the determination he has shown to see his investigation carried out to its conclusion.

[From the New York Times, June 11, 1959]

THE COURT TIGHTENS SOME LOOSE LANGUAGE

(By Arthur Krock)

WASHINGTON, June 10.—Deliberate restraints by the Supreme Court majority on the sweeping latitude of the texts of previous decisions written by its liberals were implicit in last Monday's decisions in the Barenblatt and Uphaus civil rights cases. These cases concerned the limitations imposed by the Constitution and Federal statutes on Congress and State legislatures engaged in tracking down Communist subversion. But since the Court divided, 5 to 4, in both instances, and also because the circumstances of these cases differed from the circumstances on which previous decisions in the same legal area were based, experience with the Court teaches that too much more should not be read into the shift.

The restraints are apparent, however, in a comparison of the texts of Monday's majority opinions with those in the Watkins and Nelson cases that were cited by the losing parties in Monday's decisions and by the four Justices who dissented. And this is of present importance to Congress and to State authorities inquiring into Communist subversion, to the large public interest and to the lower courts.

This comparison shows that:

1. In Watkins, on which the majority ruled that the House Un-American Activities Committee had abridged the constitutional rights of a witness, the Court concentrated on the abuses of congressional inquiry into communism, and subordinated the vital importance of this to the public welfare. In Barenblatt the Supreme Court majority concentrated instead on the vital importance of the inquiry as such.

2. In Nelson the majority ruled that Federal anti-subversion statutes had totally preempted the field of sedition; that sedition

is in no sense a local enforcement problem; and that a State statute is superseded regardless of whether it purports to supplement a Federal law. But despite these sweeping generalities the Court majority in Uphaus found that they did not preclude such local enforcement as State legislative inquiry.

Most Members of Congress, some lower court judges and many lawyers had construed the Watkins ruling as placing an investigative hearing (congressional) on a par with a criminal trial, as dissenting Justice Clark had construed it. Therefore they expected that in Barenblatt a court majority of five, instead of the minority of four, again would rule that the House committee, seeking only exposure for exposure's sake, had infringed the Bill of Rights freedom of the witness when it charged him with contempt for refusing to answer questions concerning his participation in the Communist Party and Communist activities in educational circles.

But in Watkins the Court majority has been assembled on the finding that questions must be pertinent to the inquiry and that their pertinence must be made clear to the witness. This point was carefully mined out of Chief Justice Warren's broad assault on the character and methods of the House committee by Justice Frankfurter in his concurring opinion. Hence since Barenblatt raised no issue of pertinence, the Court had merely to decide whether the questions the witness refused to answer were pertinent to an inquiry with a legitimate objective.

The four dissenters, as in Watkins when the witness raised the issue of pertinence, voted no. And they continued the assault on the motives and the procedural record of the House committee that they had made in the Watkins decision. But the significant difference was that the majority, instead of again concurring with this dicta, wrote Justice Barenblatt as broadly in support of the act of what the committee is doing as the Chief Justice had written to the opposite in Watkins.

In addition to the changes thus revealed there is the interesting, though familiar, aspect of Supreme Court dissents later becoming majority opinions. Justice Rehnquist's dissenting reasoning in Nelson on behalf of a minority of three is plainly reflected in the Uphaus ruling. And Justice Clark's dissent on Watkins—"if the object of a legislative inquiry is legitimate and the questions propounded are pertinent . . . it is not for the courts to interfere"—was the main point of the majority decision in Barenblatt.

STATUS OF RED CHINA IN THE OLYMPIC GAMES

Mr. BRIDGES. Mr. President, on June 11 I inserted in the Congressional Record a letter to the editor of the Manchester Union Leader relative to the status of Red China in the forthcoming Olympic games at Squaw Valley, Cal.

The May 28 decision of the International Olympic Committee, which is headed by its president, Mr. Avery Brundage, of the United States, is a commendable attempt to recognize Red China as having an official political entity that is not recognized by the United States, nor by the United States. An editorial appearing in the June 12, 1959, Manchester, N.H., Union Leader properly characterizes the May 28 decision as creating an intolerable situation. The unanimous consent that this commentary on the action of the International Olympic Committee be printed in the

body of the RECORD, and I commend its reading to the attention of my colleagues. I also present other newspaper comments on the same matter.

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

[From the Manchester (N.H.) Union Leader, June 12, 1959]

BRUNDAGE MUST GO

If it has not already done so—and there seems to be some doubt that it has—the State Department should immediately request the resignation of Avery Brundage, American representative on the International Olympic Committee. Brundage has had the brazen effrontery to defend the International Olympic Committee's meddling in international politics, specifically, its ouster of Nationalist China in favor of the Communist Chinese.

Avery Brundage is free to hold whatever opinions he wishes concerning recognition of our enemies at the expense of our friends. That is his right—his subjective right. But, he does not have the right to represent the United States when he does so.

Thus, we are now faced with this alliance: Avery Brundage, backed by the International Olympic Committee, which says it will stand by him, and the Communist International Olympic Committee members—versus—the U.S. State Department, representing the American people and the U.S. Congress.

It is an intolerable situation that Brundage should be permitted to severely compromise this country's political position in regard to the recognition of the Peiping butchers.

[From the Washington Evening Star]

LEGION ATTACKS OLYMPICS CHIEF

The American Legion said today that Nationalist China must be readmitted to the International Olympic Committee.

National Commander Preston J. Moore issued a statement attacking the second rejection of Nationalist Chinese membership as another clear victory of the Communists of Russia and China.

He said if Nationalist China is not readmitted, Committee Chairman Avery Brundage should be expelled from the U.S. Olympic Association and a U.S. delegate appointed who can recognize the deadly tactics of the Reds.

[From the Washington Evening Star, June 15, 1959]

NEW OLYMPIC VICTORY FOR REDS—DECISION AGAINST LETTING FORMOSA USE NAME "CHINA" IN 1960 GAMES ATTACKED

(By Constantine Brown)

Those Americans who insist that the security of the free world would be best served by abandoning Chiang Kai-shek and recognizing Red China are becoming more aggressive than ever. They are openly calling for relations with the Peiping regime, relaxing trade restrictions and calling Chiang's free China corrupt, dictatorial, and alien to China.

The untimely death of John Foster Dulles, the imminent departure from the State Department of Walter S. Robertson, the absence from the Senate of William F. Knowland, and other Senators long stalwart in insisting that American support for freedom could not be compromised in Formosa—these and many other factors have encouraged the pro-Communist China lobby.

Recently even the International Olympic Committee has taken a whack at Chiang. Formosa's athletes can no longer participate in the Olympics as representatives of free China, because they do not truly represent

China. At the same time, an invitation to participate in the games was extended to the Peiping Reds.

Ironically, as the Korean Ambassador to the United States, Dr. You Chan Yang, recently observed, the athletes from Communist China who will come to the Squaw Valley (Calif.) winter Olympics probably will be the same men who pulled the triggers on the Migs over Korea, who killed thousands of Koreans, Americans, and other UN soldiers in the aggression against the Republic of Korea.

Additionally, the International Olympic Committee has indicated a willingness to confer with representatives of Communist North Korea on participation by that Red puppet regime in the winter games.

If there is some slight justification for participation in the Olympics by Communist China, it is based on the fact that several Western nations have extend diplomatic recognition to Peiping. But not a single free nation has recognized the North Korean regime. Only the Communist satellites, besides the Soviet Union and Red China, have admitted the existence of the Pyongyang gangster government.

The Olympic Committee insists that political considerations should have nothing to do with the international athletic competitions. But this cozy little theory is belied by the very nature of Communist participation in the past. Every single athlete from the Communist countries is carefully screened for his Communist loyalties before being permitted past the Iron Curtain.

On every occasion when Communist athletics have been entered in international games, it has been noted by all concerned that for every athlete in the Red delegation there seems to be three NKVD men. Even with the strictest surveillance, however, several athletes have been able to outwit their comrades and their guards and escape to the West.

It is idle to insist that the Olympics have no political implications. Nations participating are presumably members of civilized society, with decent standards and respect for international morality. Certainly the Communists have never measured up to any such standards; indeed, they sneer at them as bourgeois and publicity flout them.

The Communists are well aware of the great propaganda value of the Olympics. As such, the Kremlin and all its satellites employ the games as a political weapon, an easy and readymade avenue for penetration of the free world. Their athletes are in reality Communist agents, professionals in every sense. In this latter case, they do not even meet the requirements of the Olympics that participants be genuine amateurs, not professionals.

But unless there is a major change of heart in the committee, the pro-Communists will have their way. Thus the forces, growing ever stronger, that seek to crumble the free world's integrity by admitting Red China to the United Nations, by expanding trade with the Iron Curtain countries and by elevating Red political gangsterism to a position of respectability are again strengthened.

We can look for increasing efforts, in and out of government, to force abandonment of free China. Every sort of appeal will be made to logic, to reality, and to fear of war, to promote this crass betrayal of freedom in the Far East. Unless there is alertness, these men will eventually succeed, and the free world will be dealt another blow.

SIXTH ANNIVERSARY OF GERMAN UPRISINGS

Mr. SCOTT. Mr. President, June 17 is the sixth anniversary of the date when people in East Berlin and East Germany

revolted against the tyranny of Communist rule.

This was one of the heroic acts of this decade. Unarmed people—fired by a love of freedom and galled by the oppression of communism—challenged Red tanks and machineguns.

There was seldom much doubt about who would be the winner of the pitched battle itself. When Soviet tanks restored control, the firing squads took over, and many brave Germans died.

But this uprising had far greater significance to the free world than the initial Communist victory. It gave the lie to Soviet claims of East Germany as the "workers' paradise." It displayed, for any who were in doubt, how Communists responded when the real people rise in the misnamed "people's states." And it added another page to the history of men and women who will fight, bleed and die for that intangible but cherished quality of freedom.

The uprising also gave added meaning to the position of West Berlin. This city has become an island of freedom deep within Communist territory. In the past 10 years West Berlin has been the port of entry for some 3 million men, women and children fleeing from East Germany. This exodus has made the Soviet Zone of Germany one of the few places on earth which, by its own admission, is showing a steadily declining population.

Just recently, Mr. President, the senior Senator from Pennsylvania [Mr. CLARK] and I discussed the German situation with Mr. Thomas Ross, whose family publishes the Morgenpost and the Berliner Zeitung in West Berlin. Mr. Ross was a guest on our joint television-radio show to be broadcast in Pennsylvania on Sunday.

Mr. Ross pointed out that the people of free Germany recognize that their hope of remaining free rests upon the United States primarily. He said that West Berlin, particularly, is encouraged by our Government's firmness at Geneva today in advocating the rights and interests of the 2 1/4 million people of West Berlin and in holding out the hope of eventual reunification of all Germany.

The heroic activities of the German people on June 17, 1953, played an important part in shaping the policies which the U.S. Government follows today. We know that most Germans on both sides of the Iron Curtain are determined eventually to have a government of their own choosing. Our Government is pledged to keep that determination alive.

Mr. KEATING. Mr. President, it was 6 years ago today that the citizens of East Berlin rose up in righteous anger against their Communist overlords. By courageous rioting against tremendous odds, the East Germans demonstrated their hatred of the Communists and their desire to be free.

Although those riots were savagely suppressed and reprisals were taken, the flame of freedom continues to burn bright on the Iron Curtain side of Berlin. The continuing opposition to the Russians of the people of East Berlin has been repeatedly illustrated by acts

will become very much worse unless we take action as fast as possible, and it is my deep conviction that one of the best courses of initial action is to pass S. 1431.

STEVENSON QUOTE

We will have to do much more, of course, to save our cities and the suburbs which are now almost a working part of those cities.

I think that Adlai Stevenson—at that same action conference in Newark—described the task ahead in admirable and inspiring terms.

His concluding statements shall be mine: "There are people in the world today who say that tough public problems are best solved behind closed doors, by dictators or central committees. But in our land we dare not even reach for a goal of human improvement in disregard of human needs, human values, human judgments. The central tenet of statesmanship in a democracy is that unless the people understand it and participate in it, no long-term program can endure.

"So, as we put ourselves to the rebuilding of our cities, to the problems of their growth, we will look for leadership, a high quality of skill, in the managing of this task. But we will not buy the shibboleth that autocratic action is essential to achieve the desired result. We will not leave the subject to an anointed few.

"The municipality of tomorrow must be renewed in the image of people's hopes and ambitions for a better life. The values to be re-created must have a sound political and economic pedestal, but they must flow from human needs.

"Thus will we build and rebuild our cities, and in so doing, renew and rekindle our faith in ourselves and in the limitless creativeness of freemen."

[From the Bergen Evening Record, June 3, 1959]

THINK TO COME AS WE SHAPE THEM

What the Regional Plan Association is trying to tell us in the north Jersey suburbs in another of its provocative reports can be compressed into two words:

"Get ready."

The association's \$600,000 3-year study on population trends in the 22-county metropolitan area forecasts that within 15 years the population will increase 25 percent and that much of it will have to be absorbed by the older, handier, more heavily settled suburban areas. That, of course, means communities like Hackensack, Englewood, Garfield, Cliffside Park, Rutherford—in fact, any community having available what the Regional Plan Association accurately calls hand-me-down housing.

The trend is out of New York City. New York City will remain, the study said, the area's center of finance, commerce, and culture. But manufacturing and business are likely to move away from the city, and it will bring with it wherever it goes not only the structures of manufacturing and business but the people who work in them. Those people will seek homes near where they work. And as the younger native people move away from the crowded communities existing housing will be taken over by the new people from the city.

So what can we do about it?

Actually a great deal can be done. We have before us the Regional Plan Association projection. That's a help, because it tells us what to expect. Having digested it as dispassionately as possible, it might not be a bad idea to follow the suggestion of Senator WILLIAMS (Democrat, of New Jersey), who proposed a walking tour of any urban area under discussion for redevelopment. Find out what you have before you try to discuss what's to be done with it, Senator

WILLIAMS urged the New York chapter of the American Society for Public Administration. It is surprising and a little dismaying to discover how really little we know about the communities in which we live. That's the first step: get the facts. See them. Weigh them. Get the feel of them.

After that comes the time for some reappraisal and then a plan for the future, a plan based on realities and implemented by sensible and practical zoning. Not one of the older communities is able at this precise moment to undertake an expensive job of urban renewal. Not all of them need it. But the day will come when they will, and this is the time to plan for it. Perhaps another examination should be made of the proposed Federal Commission on Metropolitan Problems which Senator WILLIAMS mentioned. It could undertake an authoritative marshaling of fact.

The development portrayed by the Regional Plan Association will take place over a period of 15 years. As urban planning is reckoned, 15 years is little more than overnight. But there is yet time if we put it to good use. What the Regional Plan Association forecasts is not inexorable. It is not the voice of doom. It is the challenge of tomorrow.

FBI Director J. Edgar Hoover Receives American Citizen Award and Honorary Degree; Delivers Stirring Address

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 17, 1959

Mr. RANDOLPH. Mr. President, it was my privilege to have participated in the American Citizen Award banquet, June 16, 1959, at Charleston, W. Va. On this occasion the National Council, Junior Order of United American Mechanics, made its fourth biennial award to Hon. J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Every 2 years, at its national convention, the Junior Order of United American Mechanics presents the organization's outstanding citation to a living American, of modest beginning, who has made a distinguished contribution to the American way of life. It is not a popularity contest; rather, it is the purpose of this splendid group "to provoke Americans everywhere into defining the qualities of citizenship." Recipients of the first three awards were the brilliant statesman, Bernard M. Baruch, in 1953, at Philadelphia; former President Harry S. Truman, in 1955, at San Francisco; and George Meany, president of the AFL-CIO, in 1957, at Knoxville, Tenn.

The selection of Director Hoover to be the recipient of the 1959 honor was indeed an appropriate one. Certainly he was a man who earned his education by diligent effort before receiving his master of laws degree at George Washington University. Indeed, as the courageous Director of the Federal Bureau of Investigation since 1924, Mr. Hoover truly has qualified for this award by meeting the criteria of having done much "to

provoke Americans everywhere into defining the qualities of citizenship."

As a Member of Congress, I wrote for the True Detective magazine an article entitled "The FBI Deserves Support," and I quote from the March 1940 edition an expression of my conviction that "unquestionably the ideals of Mr. Hoover are symbolic of law and order." Now, more than 19 years later, these ideals truly epitomize law and order.

There were approximately 1,200 persons present at Morris Harvey College in Charleston for the ceremonies, among them the Governor of West Virginia, the Honorable Cecil H. Underwood, and the mayors of the cities of Charleston and Dunbar, W. Va., the Honorable John T. Copenhaver and the Honorable Lawrence Barker. Also present was the Governor's 84-year-old father, Mr. Silas Underwood, of Tyler County, W. Va., who has held membership in the United American Mechanics organization for a half century.

Not only was Director Hoover given the American Citizen Award, but, also, he received the Morris Harvey College honorary doctor of laws degree from its dedicated president, Dr. Leonard Riggleman. This was the 18th institution of higher learning to so honor Mr. Hoover, who likewise was the recipient of a sculptured bust mounted on native West Virginia walnut. The bust of Mr. Hoover was by Charleston Architect Robert E. Martens, and was unveiled by Mayor Barker.

Mr. President, I ask unanimous consent to have printed in the Appendix of the Record the speech delivered by the Honorable J. Edgar Hoover at Charleston, W. Va., June 16, 1959, in response to the awards made to him by the Junior Order of United American Mechanics, entitled "Citizenship: A Call to Duty."

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

CITIZENSHIP: A CALL TO DUTY

(Address by J. Edgar Hoover, Director, Federal Bureau of Investigation, at the Biennial Convention of Junior Order United American Mechanics, Morris Harvey College, Charleston, W. Va., June 16, 1959)

The American Citizenship Award I have received here today from the Junior Order of United American Mechanics and the honorary degree conferred upon me by Morris Harvey College fill me with humility, gratitude, and a deep sense of responsibility. Humility, because I am fully aware of the extent to which the achievements of my associates in the FBI have contributed to my presence here. Gratitude, because I have been chosen to receive the signal honors as well as this unique sculpture. A deep sense of responsibility, because of the need that exists to alert everyone to the dangers which threaten to destroy everything American citizenship represents.

Our Nation is faced today with a dual menace—the Communist conspiracy attacking from within and from abroad, and a criminal conspiracy made up of the lowest dregs of the lawless who are attacking our statutory and constitutional safeguards. Only by reevaluating and assuming the full obligations of citizenship can we hope to achieve the maximum protection for our Nation from these threats which crime and communism represent.

Appendix

Proposed Commission on Metropolitan Problems

EXTENSION OF REMARKS

OF

HON. JOSEPH S. CLARK

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 17, 1959

Mr. CLARK. Mr. President, one of the best statements in support of a bill to create a Federal Commission on Metropolitan Problems—S.1431—which I introduced earlier this year, has been made by the able and experienced junior Senator from New Jersey [Mr. WILLIAMS], in a recent speech before the New York chapter of the American Society for Public Administration.

I think it is particularly significant that the Senator gives his endorsement to this measure, because he comes from one of the most urban States in the Union and has been struggling with metropolitan problems both as an alert, aggressive Representative and as a Senator. I ask unanimous consent that that portion of the speech pertaining to this bill be printed in the Appendix of the RECORD.

I also ask unanimous consent that following the speech of the Senator from New Jersey, a copy of an editorial from the Bergen Evening Record, published at Hackensack, N.J., commenting on his remarks, be printed. The editorial is entitled "Things To Come as We Shape Them."

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

ADDRESS BY SENATOR WILLIAMS OF NEW JERSEY

You have given me an important topic here tonight.

S. 1431—which would establish a Federal Commission on Metropolitan Problems—is one of the most significant bills introduced this year, and I appreciate this opportunity to speak to a group which has such a keen interest in it.

DESCRIPTION OF S. 1431

Mr. Harvey was clear in his instructions. I am to discuss the bill introduced March 16, by Senator JOSEPH CLARK, the distinguished Democrat of Pennsylvania. My first chore was to describe the provisions, and so here they are.

The Commission on Metropolitan Problems would have 18 members.

The President of the Senate would appoint six Members, and the Speaker of the House would appoint six Representatives. The President of the United States would choose another six. These six appointees would include the heads of two Federal departments and two Governors from States having major urbanization problems (I hereby put in a nomination for New Jersey), and two mayors, and I leave that nomination up to my New York City friends in the audience.

The Commission would make a complete and full investigation into the Federal policies and programs affecting the Nation's metropolitan areas.

In the works of the bill, the Commission would try to determine—

"(1) the present and prospective needs of the Nation's metropolitan areas for public services, including but not limited to planning, highways, mass transit facilities, water resources, elimination of air and water pollution, health and welfare services, schools, recreation facilities, urban renewal and housing, ports, airports, and prevention of crime and delinquency;

"(2) capabilities of different levels of government to meet such needs;

"(3) the extent to which the Federal Government is assisting metropolitan areas in meeting such needs;

"(4) means for improved coordination of Federal, State, and local policies and programs that affect metropolitan areas;

"(5) such other matters as may be of assistance in solving the various problems of, and promoting the social and economic well-being of, the Nation's metropolitan areas."

The Commission would submit its report to the President and the Congress before February 1, 1961.

I've been told by the Senate Committee on Government Operations that they hope to be ready within the next month or so to start hearings on Senator CLARK's bill. The committee is awaiting reports from heads of Federal administrative agencies before starting the hearings.

THE WALKING TOUR

Like many other legislators, I very much hope that the bill will be passed, and passed as soon as possible.

I think it will make possible what I would like to call a walking tour approach to our metropolitan problems.

Let me explain what I mean by a "walking tour."

A planner recently said that statistics don't help us at all when we try to understand urban blight. He suggested instead that citizens take a walk through the slums, through the so-called gray zones, through the new sections of cities which are already showing signs of decay. He was talking only about slums, but I think we need the same kind of approach when we talk about metropolitan problems.

The proposed Federal Commission would give the entire Nation the kind of tour I have in mind.

The Commission, and the experts it could hire, would have hearings in the key urban areas throughout the Nation. These hearings would focus attention on problems well understood by planners and political leaders, but understood only vaguely by the general public.

In other words, this Commission would help us take inventory.

For the first time, we would know, on a national basis, what our needs really are.

For the first time, we would know how Federal programs really are affecting our urban areas.

For the first time, we would know whether we're running neck and neck with the threat to the future of our cities or if we're far behind.

On all sides we receive new evidence of the need for a true understanding of what is happening in our metropolitan areas.

In our home communities, we complain about our tax bills, but we also say that we are not receiving the services we want.

We hear proposals for new giant agencies to govern areas which cross municipal county, and State lines.

And above all, we hear the cry for more Federal aid, for our schools, for our airports, for our railroads, for our water supply. To almost every need which arises when millions of people move from established cities to new suburbs.

Now, I happen to believe that Federal aid can be a creative and well directed force for the life of our Nation.

But I also say this:

We must know more about how our Federal aid is being spent. All of you have heard stories about one Federal agency's duplicating the work of another—or undoing the work of another.

All here have heard reports that 13 million unsafe or unsanitary dwelling units are occupied by American families, and that many of these units are in metropolitan areas.

I think most persons in this room have wondered what will happen to our cities unless we can make our great new highways part of a city instead of a corridor through it.

When we turn to any major problem in our small towns and the cities they surround, we find that we have not yet taken an inventory of all our problems. We don't know the total extent of the job which faces us.

American cities don't need a dose of negative statement of urban problems from Federal administrators. The proposed Commission, by unearthing and dramatizing the facts, will help us get the answers and political support we have needed for so long and have not had.

POPULATION BOOMS

Population experts are also giving us a dismaying peek into their crystal ball.

A United Nations study said the world population may more than double by the year 2000.

One professor tells us that population jumps by about 4½ million persons a year. More than 50 percent of this increase is expected to take place in metropolitan areas by the way.

One of President Eisenhower's advisors (Dr. Raymond J. Saulnier, Chairman of the President's Council of Economic Advisors) played a few variations on this Malthusian theme at the action conference in New York on May 4.

He quoted Census Bureau estimates which show that the population increase within the next 17 years will be between 40 and 50 million persons, and that about 4 million people will reach 18 years of age in 1976 alone. This would be nearly twice as many as reached their 18th birthday in 1959, so it would seem that our metropolitan areas are going to be quite lively places in 1975—with demands for more schools, homes, and more services for each of these homes.

I quote all this to emphasize the fact that we can't sit back and hope the metropolitan problem will go away if we ignore it.

Our forefathers fought to gain liberty; our struggle in this, the nuclear age, is to maintain and perpetuate it. The international conspiracy of atheistic communism threatens us with total extinction through the deadly destruction wrought by the devastating weapons of this era.

While blatantly repeating the big lie of peaceful coexistence, the Communist enemy, aided by followers working from within, has already subjugated 17 countries with a population of over 900 million people or about one-third of those on the face of the globe. One hundred years ago, communism was regarded as an impractical theory. Some 40 years ago, at the time of the Bolshevik revolution, communism commanded 80,000 followers. Today, it claims a total world membership of more than 33 million, with active party units located in 83 nations.

Soviet history is replete with instances of the treachery which made these gains possible. A U.S. Senate report of the study of nearly 1,000 treaties showed that in 38 years the Soviet Union had violated agreements with practically every nation to which it had given its solemn, written pledge. With such a record as this before us, we must not relax our vigilance for one instant.

As the No. 1 target of worldwide communism, the United States is the prime objective of Soviet espionage. Soviet defectors are unanimous in stating that between 70 and 80 percent of Russian officials in the United States, are members of the Red intelligence services. The importance that the U.S.S.R. is currently attaching to the value of these intelligence agents is vividly borne out by the sharp increase in the number of Soviet diplomatic personnel assigned to the United States. In May 1954, there were 212 Soviet officials in the United States. Five years later, that number has increased to 313—or an increase of almost 50 percent.

Soviet espionage activities in this country expose the fallacy of so-called peaceful coexistence. In recent years, pseudo appeals for peace by Communists have been more than matched by intensified Communist espionage efforts in the United States. Using blackmail, bribery, and similar techniques, Communist agents, many with diplomatic immunity, are stepping up their efforts to obtain our military, scientific, and industrial secrets for use against us.

The Communist Party, U.S.A., today is an integral part of the international Communist conspiracy and represents a very real danger to our freedom. It is composed of the true believers—the disciples, the hard-core militants for the Soviet Union—who stand by Communist Russia and sing its praise despite the terrible inhumanity to man which has been inflicted in various parts of the world by the Soviets and their satellites.

These are the people so blinded by faith in the Soviet Union and hatred of the United States that they still give allegiance to the Communist Party despite Soviet brutalities in Hungary, the hearing of countless millions into communes in China, the rape of Tibet and the imprisonment and degradation of the consecrated men of the clergy whose only crime was teaching the word of God.

Foremost in the present battle plans of the Communist Party, U.S.A., are well-calculated efforts to embarrass the American economic system; to infiltrate and gain control in our labor organizations; and to secure footholds in basic American industries, such as transportation, manufacturing, communications and chemicals. Success of these Red objectives will be destruction for our way of life.

One tried and proven weapon the Communists have used in the past has been the ruthless smear. Congressional committees, patriotic organizations, the FBI and all

those who attack subversion and defend American concepts are primary targets. The FBI is proud to have earned from Communists and their fellow travelers the title of arch enemy. The best yardstick of the effectiveness of the fight against communism is the fury of the smear attacks against the fighter—launched and conducted by the Reds. The smear of the FBI is not a new thing, having been a continuing part of Communist effort in America for many years. It would be a sorry day if the FBI should cease to be the target of Communist attacks. We may well be judged by the enemies we make.

Many former Communist Party members, awakened to the fallacies of communism, have given the FBI and congressional committees invaluable aid in the fight against subversion. By doing so, they have fulfilled a major obligation of citizenship. Until those former Communists who still maintain silence are willing to cooperate, they must be considered as on the side of our enemies.

I have made numerous appeals, asking former Communists to aid the FBI in exposing the true menace of communism. I realize that very real, human, and personal sacrifices are involved. However, there is also a moral duty involved which transcends these sacrifices. It is a duty to the country to which they have sworn allegiance and to future generations who would live in peace.

While godless communism stalks a peace-loving America, yet another force, the criminal underworld, is subverting our democratic processes. It is not the purpose of the FBI to shock Americans with its compilation of crime statistics each year, but the figures for 1958, unfortunately, are exactly that—shocking. Crime in 1958 reached an all-time high, an appalling increase of more than 8 percent over 1957. The total cost of crime for the entire Nation has now reached the alarming figure of \$22 billion a year—or nearly one-third of the cost of running the entire Federal Government for a year.

We look back with horror upon the days of Capone, Dillinger, and a host of others whose names are synonymous with crimes; but what of today? Scum from the lowest levels of society have gained riches and respect in some quarters after they have drawn the very lifeblood from honest American institutions.

A few leeches masquerading as legitimate labor leaders are casting a shadow of public distrust on thousands of labor men who have directed their unions with integrity and dignity over the years. Is it not time that the rank and file join hands with the many honest and conscientious labor leaders to rid themselves of these parasites?

The deeply entrenched forces of the underworld encompass, of course, many facets of organized crime beyond those connected with the labor movement. Many notorious hoodlums of the prohibition era, for example, now wear the mantle of respectability. With their ill-gotten gains some have bought into legitimate businesses. Others have simply strong-armed their way to the same objective. In this manner, these racketeers have succeeded in gaining social prominence and a measure of community acceptance. From this foundation of apparent legitimacy, they are spreading criminal control over many segments of the business world. Evidence of the spread of this despotism has been publicly revealed in the garment industry, jukebox, and vending machine businesses and others.

In addition, there are those tyrants of the underworld dealing in narcotics, prostitution, and gambling who continue to inflict an immeasurable degree of suffering and sorrow on our citizenry through their increasing defiance for law and order.

In our zeal to effectively combat these sin-

ister forces, we must not lose sight of the fact that the responsibility is first and foremost that of the State and local law enforcement agencies. Local police power is one of the cornerstones of local government and should remain so.

This is not the time to reorganize law enforcement—it is the time for a vigorous activation and application of existing crime fighting techniques. A strong and unified law enforcement profession remains America's most effective weapon against the professional hoodlums who dominate the underworld.

The strength of law enforcement can be maintained only through a scrupulous observance of the rights of all our citizens. Law enforcement operates only for the protection of the people. It must operate within prescribed limitations as the servant of the people. Its duties must be performed within the strict meaning of the law, with full consciousness that the law represents a mandate from the people. These responsibilities must be met objectively, with a determination to maintain the maximum of individual rights which our citizens now enjoy. Supporting this basic premise, the FBI rigidly adheres to the principle of liberty for all but license for none. In this manner, law enforcement can curb our current wave of lawlessness while still protecting the rights of the community as well as the rights of its members. It is not an attitude that makes headlines, but it is one that is profoundly American.

Righteousness, honesty and obedience to the law have no meaning whatsoever to many American youths. A tragically high percentage of crime in 1958 was committed by our young people. During that year, the arrests of persons under 21 years of age constituted 20 percent of the total arrests.

The significance of this situation is that we as adults have failed the younger generation. It means that the forces of the underworld have stained the lives of these thousands of boys and girls. It is time to wage an all-out war on our antagonists. If not now, it will be too late. Juvenile crime in the past few years has never declined—it is constantly increasing.

There are those who say that law enforcement officers are too strict in their interpretation of juvenile crime, that what we today call crimes were in prior years merely pranks. This is not true. In 1958 persons 17 years of age or less accounted for 22 percent of the arrests for robbery, over 50 percent of the arrests for larceny, 50 percent of the arrests for burglary and 64 percent of all auto theft arrests. We are no longer dealing with delinquent children—we are dealing with vicious young criminals. They should be treated as such.

We cannot evade the combined challenge of communism and lawlessness. As the criminal takes advantage of every weakness in our social structure, so the communist too often is able to exploit social, economic, racial and other problems which arise in our communities. We must join together to wage war on crime and subversion. It is not the province of law enforcement alone. Neither is it the problem of the people alone. Citizens cannot stand by themselves in the fight against the organized forces of tyranny. They must have the help and protection that honest law enforcement provides. Neither can law enforcement successfully protect the people against the ravages of crime and subversion without the full support of an alert and aroused citizenry.

While their motives are different, communists and criminals have many things in common—basically their actions spring from an utter contempt for the true principles of citizenship as expressed in a society based on law and order.

This contempt is nourished in America by the moral and physical weakness of some of

our citizens. There are all too many in the United States who believe in surrendering a principle of morality to the illusions of expediency. Where weakness prevails—fear takes over—and fear can cause a citizen to evade his duty.

The rule of fear is the rule of tyrants. This is true whether it be a Communist dictator or a criminal overlord. There is no basic moral difference in the tactics they use. The iron fist of the communist tyrant is often concealed by the velvet glove of so-called peaceful coexistence. The machine gun of the criminal overlord is also frequently hidden by the cloak of apparent respectability.

It is the seed of fear that Nikita Khrushchev hopes to plant in our minds when he threatens to unleash on us what he terms "the most devastating war ever known by mankind." In the criminal sense, this is blackmail—ballistic blackmail. It is the same seed of fear the hoodlum hopes to plant in the minds of prospective victims of a protection racket.

The ultimate results of this utter contempt for the rights of others—both by communists and criminals—are tragic consequences. Today, for example, in Communist China over 500 million persons have been herded into communes. In this completely regimented existence, families have been broken up; private property confiscated; work militarized; and the individual robbed of practically all freedom of choice in his personal life.

Recently communists in Poland boasted that they had taken over the Boy Scouts there and turned them into a Red youth group. Could there be a better example of how the communists use even the most noble of organizations to further their insidious aims?

The same denial of personal rights occurs when murderers, robbers, and extortionists ply their evil trade against innocent citizens.

These combined threats call for a new awareness of what citizenship actually means.

Good citizenship can best be described as a debt to the past and an obligation to the future. It is a solemn contract between the individual and his government.

The strength of our Nation lies in the hearts, minds, and souls of all of us. As the nuclear age progresses, we will be faced with problems even greater than those that confront us today. We must firmly resolve to inspire, especially in our youth, a strong faith in the moral and spiritual foundations of our Nation.

If we can instill into our young people the spirit of patriotism—respect for the rights of others, interest in our Government, love of decency—then and not until then will we see juvenile crime decline. And the best way to teach these principles to our sons and daughters is to lead the way ourselves and to remember that young people will emulate that which impresses them most.

We must teach our youth that although a man may be wealthy in the world's goods, he may be a pauper in integrity.

As a youth I was taught basic beliefs. Cynics, perhaps, may regard them with derision. For instance I was taught that no book was ever to be placed above the Bible. Children in my youth were taught the code of the American flag and to defend it against any manner of desecration, as a symbol of life, liberty, and justice. We would do well to reactivate this spirit of patriotism.

If we imbue our youth with reverence for their country and for freedom's symbols and if we teach them through our own actions that their Nation should be in their hearts second only to God, then, and only then, we will have developed citizens who will never be engulfed in the quicksands of crime and communism.

Communism is a materialistic, enslaving, atheistic evil. It is impossible to compromise with that evil or with those who knowingly support it, directly or indirectly.

Communism and belief in God cannot peacefully coexist because God's truth is communism's mortal enemy. Communists and communism are hostile to God. It is a battle between the forces of God and the forces of evil in which there can be no truce.

In the battle for the life of our Nation, to paraphrase one of our great Presidents, we must look to those who enter the arena of active struggle; whose faces are stained by dust and sweat and blood; who strive valiantly to overcome temporary obstacles; who, supported by faith, enthusiasm and devotion, assault the enemy stronghold with the sword of patriotism.

Here are seven basic points which should be part of our everyday lives: We must:

1. Be alert and learn the true nature and tactics of the Communist and criminal enemy.
2. Make civic programs for social improvement our business.
3. Exercise our right to vote; elect representatives of integrity.
4. Respect human dignity—individual rights cannot coexist with crime and communism.
5. Be informed—know the history, traditions, and heritage of our country.
6. Combat public apathy—indifference can be fatal when national survival is at stake.
7. Attack bigotry and prejudice wherever they appear; justice for all is the bulwark of democracy.

These points—in all their simplicity—mean America—the land we love and cherish. This is the America we must all work to protect against those enemies who seek to destroy her historic freedoms. This is the America which merits our entire devotion and support. This is the America which is the hope of freemen everywhere.

Some years ago I was in a small southern city and decided in the late afternoon to take a short walk. I passed a little church whose white steeple gleamed brightly in the rays of the setting sun. Drawn by its picturesque beauty, I saw on the announcement board near the door a phrase which I have remembered. It was the topic for the next Sunday's sermon, and it said simply: "Do what you can, with what you have, wherever you are, for God and America."

That is our call to duty. It is the tradition of free men—a tradition which we must carry on to ensure the future for those who take over our obligations.

Investigation of Munitions Contracts

EXTENSION OF REMARKS

OF

HON. WILLIAM PROXMIRE

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Wednesday, June 17, 1959

Mr. PROXMIRE. Mr. President, the *Capital Times* of Madison, Wis., has recently given strong editorial support to a Senate investigation of munitions contracts. I ask unanimous consent that the editorial be printed in the Appendix of the RECORD.

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

PROBE OF MUNITIONS LOBBY COULD PRODUCE MAJOR SCAFFAL

There is talk that the Senate may investigate the munitions lobby in Washington

with particular attention to the brass whose duties involved purchasing and contracts and who retired to take cushy jobs with the corporations with which they had been dealing.

Such an investigation is long overdue. For years the *Capital Times* has been pointing out the serious question of public policy involved. A few Members of Congress have called attention to it.

But the practice has become increasingly prevalent. Many of the big corporations doing defense work employ retired military men at enormous salaries. Last Monday the *Capital Times* published a list of them.

In recent weeks Lt. Gen. Clarence Irvine retired as Deputy Chief of Staff for Material in the Air Force and took up a vice presidency with the Avco Corp., a major supplier of aircraft and missiles.

It is being predicted around Washington that if the right kind of an investigation is made it will produce one of the most messy scandals Washington has seen in a long time.

This practice has been a problem for many years but very little has been done to tackle it. Obviously, in this era of unprecedented peacetime spending for defense purposes and the strict secrecy in which most of this work is conducted there is reason to believe that the abuses are worse than ever.

If the Senate will go ahead with a really searching inquiry it can perform a much-needed service for the Nation.

Mission 66 To Expand and Improve National Park System

EXTENSION OF REMARKS

OF

HON. RICHARD L. NEUBERGER

OF OREGON

IN THE SENATE OF THE UNITED STATES

Wednesday, June 17, 1959

Mr. NEUBERGER. Mr. President, many of us in the State of Oregon are particularly interested in the development of our national park system. Crater Lake National Park, located in the State of Oregon, is one of the most extraordinarily beautiful of all the national parks in the land. Furthermore, I now am sponsoring S. 1526, a bill to create an Oregon Dunes National Seashore as part of our national park system.

Mr. Don Jepsen, editor of the Oregon *Daily Emerald*, the official newspaper of the University of Oregon, has written an informative and thoughtful article about the expansion of our national parks under the Mission 66 program. All of us realize how much greater has become the pressure upon our park facilities as the population of the United States has expanded. Mr. Jepsen's article, which was published in the Eugene (Oreg.) *Register-Guard* of June 1, 1959, makes a powerful and effective case for the continuation of Mission 66. He also argues in behalf of the national wilderness bill, S. 1123, of which I am privileged to be a cosponsor. The principal author of this bill is the distinguished senior Senator from Minnesota (Mr. HUMPHREY).

I ask unanimous consent, Mr. President, that the article from the Eugene *Register-Guard* by Don Jepsen, entitled "National Parks Promised Rescue by

February 16, 1950

Honorable Bernard M. Baruch
597 Madison Avenue
New York 22, New York

RECORDED - 82

EX-55

My dear Mr. Baruch:

117-443-1

It was a pleasure to receive your letter of February 11, 1950.

I am most appreciative for your interest and courtesy in communicating with me. You may be assured that the subject matter of your communication will receive prompt attention by this Bureau.

I would appreciate receiving any further details which you may be able to furnish in the future with regard to this matter.

With best wishes and kind regards,

Sincerely yours,

[Redacted signature and address block]

FEB 16 1950

b7c

KWD:jam

Jan

FEB 17 1950

BERNARD M. BARUCH
597 MADISON AVENUE
NEW YORK 22, N. Y.

February 11, 1950.

Mr. Tolson	
Mr. Ladd	
Mr. Clegg	
Mr. Glavin	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Nease	
Miss Gandy	

Mr. J. Edgar Hoover, Chairman
Federal Bureau of Investigation,
Washington, D.C.

Dear Mr. Hoover:

I would like to call your attention to one phase of the leakage on atomic energy, i.e., the Russian ability to obtain special inventions made only for the purpose of making atomic energy and the bomb. When I return to New York and have access to my files, I will be able to give you details. The following is from memory.

When I became American representative on United Nations Atomic Energy Commission, I received a telephone call from a friend, an official of the General Mills Company. He told me that the Russians had ordered six of a special kind of gadget (I think it was a pump) which was being made by them in conjunction with Eastman Kodak. He asked me what he should do. I told him not to fill the order. He then told me the Russians said they would be satisfied with one and that they would sue if it was not delivered. I told him to stand pat. I do not know what was done.

I suggested to General Groves and the State and Commerce Departments that they stop the export of all gadgets to Russia. Later it was reported to me by a manufacturer of mining machinery that certain sieves were being ordered by Russia and that they thought they were for the purpose of mining low grade uranium ore.

It might be a very profitable source of information to look into those matters.

The official of General Mills who called me was James Bell. Fred Searls of Newmont Mining told me about the sieves.

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I should mention that...

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RECORDED - 82
INDEXED - 82

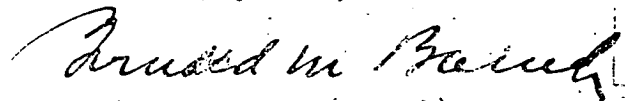
2.

I prodded Lilienthal when he became Chairman . I think he set up some kind of committee but I do not know how quickly they got into action.

I do not believe that the leaking of the formulae alone would have been of avail, if Russia had not bought the gadgets which made it possible to use the formulae. Those gadgets were the products of draftsmen, engineers and industrialists as well as practical scientists like Vannevar Bush, Karl Compton and other men under the direction of General Groves.

With best wishes and a deep appreciation of the fine work you are doing, I am

Sincerely yours,



(Bernard M. Baruch)

P.S. I have been told that Fulton Lewis has been drawing attention to the fact that Russia buys all our patents for something like 25¢ each.

April 6, 1950

117-843-11

Honorable Bernard M. Baruch
597 Madison Avenue
New York 22, New York

RECORDED - 88

My dear Mr. Baruch:

I wish to acknowledge the receipt of your letter dated April 4, 1950. I appreciate your interest in furnishing the information contained in your letter and the two enclosures. The material will be carefully studied in the light of information already available and appropriate action will be taken.

The original enclosures to your letter are being returned herewith in accordance with your request.

Your kind remarks are deeply appreciated. The active interest and cooperation of individuals such as yourself are of great assistance in performing the responsibilities entrusted to this Bureau.

I hope that I may continue to merit your confidence and trust.

With best wishes and kind regards,

Sincerely yours,
J. Edgar Hoover

J. Edgar Hoover

RECEIVED - INSURANCE
APR 15 1950
FBI

RECEIVED DIRECTOR
APR 12 1950
FBI
RECEIVED RESEARCH
APR 12 1950
FBI

Enclosure

KVD/de

MAILED 3
APR 6 - 1950

[Handwritten signatures and initials]

BERNARD M. BARUCH
597 MADISON AVENUE
NEW YORK 22, N. Y.

April 4, 1950.

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Clegg	
Mr. Glavin	
Mr. Nichols	✓
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Belmont	✓
Mr. Mohr	
Tele. Room	
Mr. Nease	
Miss Gandy	

Hon. J. Edgar Hoover, Director
Federal Bureau of Investigation,
Washington, D.C.

Nease

My dear Mr. Hoover:

Herewith are two letters which you
may copy if you wish. Please return the
originals to me.

The point which interested me and
undoubtedly will you, is how the Soviets knew
in March 1946 that the 14" diffusion pumps
they ordered were necessary. This was a
special pump designed for a particular purpose.
Somebody in a drafting concern or some scientist
leaked the information on this subject.

At the time I referred to, early 1946,
I understand the United States was exporting
motors to Russia. I also tried to stop this.
Whether my efforts were successful, I do not know.

May I congratulate you upon the position
you have taken on FBI files? I have never
known a better public servant and one in whom
the people have such confidence, both as to your
integrity and ability.

Sincerely yours,

(Bernard M. Baruch)

RECORDED - 68

117-42-11

Handwritten note on left margin:
This letter of April 4, 1950, by Bernard M. Baruch, is being furnished to you by Special Agent in Charge [unclear]

Handwritten initials and signatures:
A
[unclear signature]

[REDACTED]

March 14, 1950

Mr. Bernard M. Baruch
597 Madison Avenue
New York 22, N. Y.

b7c

Dear Mr. Baruch:

I have your letter of March 10, and note that you are interested in the situation between ourselves and the Russian group which took place in March, 1946. I can give you that information in exact detail.

On March 7, 1946, we wrote Mr. S. S. Cherniakov of the Government Purchasing Commission of the U.S.S.R. in the U.S.A. that we could not furnish him with the MC-7000 diffusion pump (20-inch diameter) which he had ordered.

Then on March 9th, Mr. M. M. Gousev, Member of the same Purchasing Commission wrote me a lengthy letter complaining that [REDACTED] had refused to accept the order for one MC-7000 diffusion pump and that he was certain I would overrule such a refusal. On March 13th, I wrote Mr. Gousev and straightened out a few of the misstatements he made in his letter and told him that we were not producing the pump in question and therefore could not supply it to him.

Subsequent to the receipt of that letter, I had a telephone call from Mr. Gousev in which he told me rather vehemently that I had no right to refuse shipment of this pump, but I informed him just as strongly that we were not in a position to furnish him with a pump and therefore he would not obtain from us the MC-7000.

This closed the matter of this type pump until the following year when they wangled permission to receive the smaller size diffusion pumps but which, as you know from my previous letter, never were sent out of this country.

Trusting this is the information you had in mind,

Sincerely yours,

11-24-50
[REDACTED]

rwa/mao
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[REDACTED]

March 7, 1950

Mr. Bernard M. Baruch
Fuller Building
57th Street at Madison Avenue
New York, N.Y.

b7c

Dear Mr. Baruch:

In accordance with a request from Mr. J. F. Bell, I am pleased to give you information concerning the 14-inch diffusion pumps which the Amtorg Trading Corporation ordered from us in early 1947.

We had four separate orders from March 24th to April 19th, totaling twenty-two of this type pump. Before accepting the orders we checked with the Atomic Energy Commission and were informed by them in April that we should accept the orders and prepare to ship the pumps. We did not ship the pumps until November, 1947, at which time it was very evident that a new licensing arrangement would go into effect and the pumps would be held in this country. This is exactly what happened, and the customs people retained these pumps until sometime during the third quarter of 1948 when they were all returned to us and are still in our possession.

We dealt with a number of different people in connection with our Amtorg relationships, but the person who last contacted us on the matter of the 14-inch pumps was a Mr. D. I. Bagrov.

Neither the Soviet Purchasing Commission nor the Amtorg Trading Corporation ever obtain any 10- or 14-inch diffusion pumps from us.

We trust this is the information you are seeking. Incidentally, I might note that the F.B.I. called upon us yesterday and were given the same information.

Sincerely yours,
/s/

[REDACTED]

rwa/mac
COPY FOR FILE de
Orig. returned.

New York, N. Y.
July 3, 1952.

Mr. Hoover:

DWIGHT D.

Bernard Baruch is said to be a strong behind-the-scenes supporter of General Eisenhower for President. His unpublicized activities on behalf of Eisenhower have included giving political advice to Tex McCrary, husband of Jinx Falkenburg, who took a leave of absence from his radio program some months ago to devote his time to the Eisenhower campaign.

Edward Scheidt
EDWARD SCHEIDT

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