



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 86<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 106

WASHINGTON, TUESDAY, MAY 17, 1960

No. 90

## Senate

The Senate met at 12 o'clock meridian, and was called to order by Senator MIKE MANSFIELD, of Montana.

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

Eternal Father, Thou only art the fountain of our being; Thou art the light of all our seeing. Our puny mortal strength alone is unequal to the tests and tasks of the terrific times which are upon us. We dare not trust our own devices and councils.

To those who through the treacherous seas of this violent era pilot the Nation's course, give, we pray Thee, a revealing and steadying remembrance of the altars dedicated to spiritual verities at which the Founding Fathers knelt, and the moral standards to which they were committed.

For the radiant dream which we call America, hear our vow as we pledge our all as security for freedom's greatest venture against freedom's deadly foes now loose on the earth.

We ask it in the name above every name. Amen.

### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., May 17, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MIKE MANSFIELD, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,  
President pro tempore.

Mr. MANSFIELD thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 16, 1960, was dispensed with.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its

reading clerks, announced that the House had passed the bill (S. 2611) to amend the Small Business Investment Act of 1958, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

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

H.R. 7480. An act to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil;

H.R. 9792. An act to amend section 4111 of title 38, United States Code, with respect to the salary of managers and directors of professional services of Veterans' Administration hospitals, domicilliaries, and centers;

H.R. 10500. An act to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service;

H.R. 11602. An act to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union; and for other purposes;

H.R. 11706. An act to authorize an extension of time for final proof under the desert land laws under certain conditions; and

H.R. 11985. An act to make American nationals eligible for scholarships and fellowships authorized by the National Science Foundation Act of 1950.

### HOUSE BILLS REFERRED

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

H.R. 7480. An act to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil; and

H.R. 11985. An act to make American nationals eligible for scholarships and fellowships authorized by the National Science Foundation Act of 1950; to the Committee on Labor and Public Welfare.

H.R. 9792. An act to amend section 4111 of title 38, United States Code, with respect to the salary of managers and directors of professional services of Veterans' Administration hospitals, domicilliaries, and centers; to the Committee on Post Office and Civil Service.

H.R. 10500. An act to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service; to the Committee on Armed Services.

H.R. 11602. An act to amend certain laws of the United States in light of the admis-

sion of the State of Hawaii into the Union, and for other purposes; and

H.R. 11706. An act to authorize an extension of time for final proof under the desert land laws under certain conditions; to the Committee on Interior and Insular Affairs.

### LIMITATION OF DEBATE DURING MORNING HOUR

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

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

### COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Investigation of the Committee on Agriculture and Forestry; the Subcommittee on Flood Control—Rivers and Harbors, of the Committee on Public Works; the Communications Subcommittee of the Committee on Interstate and Foreign Commerce; and the Subcommittee on Patents of the Committee on the Judiciary, were authorized to meet during today's session of the Senate.

### EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

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

The PRESIDING OFFICER. If there be no reports of committees, the nomination on the calendar will be stated.

### U.S. MARSHAL

The Chief Clerk read the nomination of Lyle F. Milligan, of Wisconsin, to be U.S. marshal for the eastern district of Wisconsin for the term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

#### LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

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

#### THE NEWS FROM PARIS ON INTERNATIONAL AFFAIRS

Mr. JOHNSON of Texas. Mr. President, the news from Paris will cause a wave of regret and disappointment all over the world. Apparently the prospects of any kind of a successful conference at the summit are virtually dead.

At no time were the prospects of great accomplishment from the summit conference better than 50-50. But the abrupt manner in which they seem to be coming to an end foreshadows a period of greater tensions and greater agony for a war-weary world.

Inspired stories from Communist sources seem to be indicating already that the world may be plunged into a crisis over Berlin. For whatever reason, the Communist leaders seem bent on forcing issues, rather than seeking to resolve them.

It is evident that the determination and the unity of the American people are going to be tested as never before in our history. The so-called cold war puts a heavy strain on the nerves and the hearts of people everywhere in the world.

This is definitely a time for Americans to unite, because something very precious is at stake—freedom in this world.

If there have been mistakes, responsibility will be assessed coolly and objectively. But one mistake that we cannot afford to make is to weaken the free world by division within our own ranks.

America should try to keep open every channel of communication, because it is always better to talk than to fight. But keeping open every channel of communication in good faith does not mean that we should relax our determination to maintain freedom as a way of life.

Mr. MANSFIELD. Mr. President, I should like to join in the statement which has been made by the distinguished majority leader. His statement exhibits his well-known pattern of statesmanship and responsibility, and especially so in the grave crisis which confronts all of us at the present time.

#### CONVICTION OF RUDOLF IVANOVICH ABEL—OPINION OF THE SUPREME COURT

Mr. DIRKSEN. Mr. President, yesterday the Supreme Court of the United States affirmed an earlier action in the case of one Rudolf Ivanovich Abel, who

was indicted and tried in New York. He was convicted; and the court of appeals affirmed the conviction on July 11, 1958. The Supreme Court affirmed the conviction on March 28, 1960; and the Supreme Court on May 16, 1960, refused further review.

Rudolf Ivanovich Abel on August 7, 1957, was indicted on three counts charging him with having conspired from about 1948 to the date of the indictment, first, to communicate and transmit to the Soviet Union information relating to the national defense of the United States—conspiracy to violate 18 United States Code 794(a)—second, to obtain documents and other materials connected with the national defense of the United States for the purpose of transmitting such documents to the Soviet Union—conspiracy to violate 18 United States Code 793—and third, to act in the United States as an agent of the Soviet Union without prior notification to the Secretary of State—conspiracy to violate 18 United States Code 951.

The petitioner was convicted and sentenced to a total of 30 years and to pay a fine of \$3,000. The conviction was affirmed by the court of appeals, and then was appealed to the Supreme Court.

On October 13, 1958, the Supreme Court granted certiorari. Briefs were filed, and the case was argued on February 17 and 18, 1959. The questions presented to the Court were first, whether the fourth and fifth amendments to the Constitution are violated by a search and the seizure of evidence without a search warrant, after an alien suspected and officially accused of espionage has been taken into custody for deportation, pursuant to an administrative Immigration Service warrant, but has not been arrested for the commission of a crime; and second, whether the fourth and fifth amendments are violative when articles so seized are unrelated to the Immigration Service warrant and, together with other articles obtained from such leads, are introduced as evidence in a prosecution for espionage.

Mr. President, in this connection, I should like to include in my remarks a complete copy of the indictment. If there is anything that stands at this moment as eloquent evidence of the kind of espionage carried on in this country by agents of the Soviet Union, this is it. After going through all the courts of the land, and twice to the highest court, the conviction has been affirmed; and the defendant will go to the Federal penitentiary for a period of 30 years, where he rightly belongs.

I should like to have both the Congress and the country know—since such items in text form do not always come to the attention of those who read the press and the magazines—just what is involved in this case. Therefore, I wish to have a copy of the complete indictment printed in the CONGRESSIONAL RECORD so the people generally can see whether espionage by agents of the Soviet Union is taking place in the United States.

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

U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK—UNITED STATES OF AMERICA v. RUDOLF IVANOVICH ABEL, ALSO KNOWN AS "MARK" AND ALSO KNOWN AS MARTIN COLLINS AND EMIL R. GOLDFUS, DEFENDANT

The grand jury charges:

#### COUNT ONE

1. That from in or about 1948 and continuously thereafter up to and including the date of the filing of this indictment, in the eastern district of New York; in Moscow, Union of Soviet Socialist Republics; and elsewhere, Rudolf Ivanovich Abel, also known as "Mark" and also known as Martin Collins and Emil R. Goldfus, the defendant herein, unlawfully, willfully and knowingly did conspire and agree with Reino Hayhanen, also known as "Vic"; Mikhail Svirin; Vital G. Pavlov; and Aleksandr Mikhailovich Korotkov, coconspirators but not defendants herein, and with divers other persons to the grand jury unknown, to violate subsection (a) of section 794, title 18, United States Code, in that they did unlawfully, willfully and knowingly conspire and agree to communicate, deliver and transmit to a foreign government, to wit, the Union of Soviet Socialist Republics, and representatives and agents thereof, directly and indirectly, documents, writings, photographs, photographic negatives, plans, maps, models, notes, instruments, appliances and information relating to the national defense of the United States of America, and particularly information relating to arms, equipment and disposition of U.S. Armed Forces, and information relating to the atomic energy program of the United States, with intent and reason to believe that the said documents, writings, photographs, photographic negatives, plans, maps, models, notes, instruments, appliances and information would be used to the advantage of a foreign nation, to wit, the Union of Soviet Socialist Republics.

2. It was a part of said conspiracy that the defendant and his coconspirators would collect and obtain, and attempt to collect and obtain and would aid and induce divers other persons to the grand jury unknown, to collect and obtain information relating to the national defense of the United States of America, with intent and reason to believe that the said information would be used to the advantage of the said foreign nation, to wit, the Union of Soviet Socialist Republics.

3. It was further a part of said conspiracy that the Government of the Union of Soviet Socialist Republics and certain of the coconspirators, including Aleksandr Mikhailovich Korotkov and Mikhail Svirin, being representatives, agents and employees of the Government of the Union of Soviet Socialist Republics, would by personal contact, communications and other means to the grand jury unknown, both directly and indirectly, employ, supervise, pay and maintain the defendant and other coconspirators for the purpose of communicating, delivering and transmitting information relating to the national defense of the United States to the said Government of the Union of Soviet Socialist Republics.

4. It was further a part of said conspiracy that the defendant and certain of his coconspirators would activate and attempt to activate as agents within the United States certain members of the U.S. Armed Forces who were in a position to acquire information relating to the national defense of the United States, and would communicate, deliver, and transmit, and would aid and induce each other and divers other persons to the grand jury unknown, to communicate, deliver, and transmit information relating to the national defense of the United States