

twice by its title, and referred to the Committee on Government Operations.

The summary is as follows:

SCIENCE AND TECHNOLOGY—HEARINGS, REPORTS ON LEGISLATION, SPECIAL REPORTS AND PUBLICATIONS—COMMITTEE ON GOVERNMENT OPERATIONS

Hearings on S. 3126: To create a Department of Science and Technology; (to create Standing Committees on Science and Technology in the Congress); to establish National Institutes of Scientific Research; to authorize a program of Federal loans and loan insurance for college or university education in the physical or biological sciences, mathematics, or engineering; to authorize the establishment of scientific programs outside of the United States; and for other purposes—Science and Technology Act of 1958, part 1, May 2, 6, and 7, 1958.

Hearings on S. 3126: Expansion of Federal program for coordination of scientific information and documentation, title I, and on S. 4039, to authorize the expenditure of funds through grants for support of scientific research (title II of S. 3126), Science and Technology Act of 1958, part 2, June 25 and 26, 1958.

S. Rept. No. 2044 (on S. 4039): To authorize the expenditure of funds through grants for support of scientific research, July 30, 1958. Public Law 934, September 6, 1958.

Committee print: Report on development of scientific, engineering, and other professional manpower (with emphasis on the role of the Federal Government). (Prepared by the Legislative Reference Service, Library of Congress, April 1957), February 13, 1958. (Quattlebaum report.)

S. Doc. No. 90: Science and Technology Act of 1958. Analysis and summary prepared by the staff of the Senate Committee on Government Operations on S. 3126, to create a Department of Science and Technology; (to create Standing Committees on Science and Technology in the Congress); to establish National Institutes of Scientific Research; to authorize a program of Federal loans and loan insurance for college or university education in the physical or biological sciences, mathematics, or engineering; to authorize the establishment of scientific programs outside of the United States; and for other purposes, April 17, 1958. (Committee print of same published February 13, 1958.)

Hearings on S. 676: To create a Department of Science and Technology, and to transfer certain agencies and functions to such Department; and on S. 586, to establish a U.S. Department of Science and to prescribe the functions thereof, part 1, April 16-17, 1959. On S. 626, S. 586, and S. 1851: for the establishment of a Commission on a Department of Science and Technology, part 2, May 28, 1959.

Senate Report No. 408 (on S. 1851): Establishment of a Commission on a Department of Science and Technology, June 18, 1959.

Senate Report No. 2498: "Progress Report on Science Programs of the Federal Government," September 9, 1958.

Senate Report No. 120: Science programs—86th Congress, March 23, 1959.

Senate Report No. 113, 86th Congress: Documentation, Indexing and Retrieval of Scientific Information. A study of Federal and non-Federal science information processing and retrieval programs, June 23, 1960. (Committee print of same, May 24, 1960.)

Senate Document No. 15, 87th Congress: Documentation, Indexing and Retrieval of Scientific Information. Addendum to Senate Document No. 113 of the 86th Congress, March 9, 1961.

SUBCOMMITTEE ON REORGANIZATION

Committee print: "Coordination of Information on Current Scientific Research and Development Supported by the U.S. Government." Administrative and scientific prob-

lems and opportunities of central registration of research projects in science and engineering, April 17, 1961.

Committee print: "Coordination of Information on Current Federal Research and Development Projects in the Field of Electronics." An analysis of agency systems for storage and retrieval of data on on-going work and of views of private companies on indexing and communication problems, September 20, 1961.

Hearings on Federal budgeting for research and development. Agency coordination study. Part I. The Department of Defense and the National Aeronautics and Space Administration, July 26 and 27, 1961.

Hearings on Federal budgeting for research and development. Agency coordination study. Part II. Problems of diverse agencies and of a Government-wide nature, July 26 and 27, 1961.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the bill may remain on the desk until the conclusion of business next Monday, to give opportunity to Senators who may desire to do so to add their names as cosponsors of the measure.

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

Mr. HUMPHREY. Mr. President, I commend the Chairman of the Committee on Government Operations, with whom I have been privileged to serve on that committee almost every day and week since I have been in Congress. The subject of a scientific and technological information service in our Government and the recruitment of personnel is one that has long occupied the attention of the Subcommittee on Reorganization, of which I have been chairman for a number of years. The reports of the Committee on Government Operations that are referred to are the result of hearings which have been held by the full committee and the subcommittee. The proposed commission is needed. It was needed 2 years ago, I believe. Now with the sponsorship of the distinguished chairman of the committee, I am sure it will be established. I am very pleased to join the chairman of the committee in the cosponsorship of his proposal. I assure him of my wholehearted cooperation to get the bill through any subcommittee to which it may be referred, and also through the full committee.

Mr. McCLELLAN. Mr. President, I thank my distinguished friend from Minnesota. I know of his keen and intense interest in this subject matter. I know that he recognizes, as do many of us, the need for legislation in this field and for a competent and thorough study of ways and means by which we can coordinate scientific and technological information. I anticipate that during this session of Congress, and I hope at an early date, the committee will hold hearings on the measure and possibly report it for action before this session of Congress adjourns.

DIRECTOR OF CENTRAL INTELLIGENCE

The Senate resumed the consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

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

Adlai E. Stevenson, of Illinois, Francis T. P. Plimpton, of New York, Charles W. Yost, of New York, Philip M. Klutznick, of Illinois, and Jonathan B. Bingham, of New York, to be Representatives of the United States of America to the 16th session of the General Assembly of the United Nations;

John M. Steeves, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Afghanistan; C. Allan Stewart, of Arizona, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Venezuela;

Robert McClintock, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Argentina;

William S. Gaud, of Connecticut, to be Assistant Administrator for the Near East and South Asia, Agency for International Development;

Edmond C. Hutchinson, of Maryland, to be Assistant Administrator for Africa and Europe, Agency for International Development;

Seymour J. Janow, of California, to be Assistant Administrator for the Far East, Agency for International Development; and Teodoro Moscoso, of Puerto Rico, to be Assistant Administrator for Latin America, Agency for International Development.

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

Walter Pettus Gewin, of Alabama, to be U.S. circuit judge, fifth circuit;

Clarence W. Allgood, of Alabama, to be U.S. district judge for the northern district of Alabama;

Griffin B. Bell, of Georgia, to be U.S. circuit judge, fifth circuit;

Nathan S. Heffernan, of Wisconsin, to be U.S. attorney for the western district of Wisconsin;

Clinton N. Ashmore, of Florida, to be U.S. attorney for the northern district of Florida;

John M. Imel, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma;

Joseph W. Keene, of Louisiana, to be U.S. marshal for the western district of Louisiana;

Richard J. Jarboe, of Indiana, to be U.S. marshal for the southern district of Indiana; and

Raymond F. Farrell, of Rhode Island, to be Commissioner of Immigration and Naturalization.

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

Robert D. Smith, Jr., of Arkansas, to be U.S. attorney for the eastern district of Arkansas; and

Charles M. Conway, of Arkansas, to be U.S. attorney for the western district of Arkansas.

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

Talbot Smith, of Michigan, to be U.S. district judge for the eastern district of Michigan.

By Mr. BYRD of Virginia, from the Committee on Finance:

James Allan Reed, of Massachusetts, to be an Assistant Secretary of the Treasury;

Ben David Dorfman, of the District of Columbia, to be a member of the U.S. Tariff Commission;

Eugene V. Atkinson, of Pennsylvania, to be collector of customs for customs collection district No. 12, with headquarters at Pittsburgh, Pa.;

Minnie M. Zoller, of Texas, to be collector of customs for customs collection district No. 21, with headquarters at Port Arthur, Tex.;

Sam D. W. Low, of Texas, to be collector of customs for customs collection district No. 22, with headquarters at Galveston, Tex.;

Charles H. Kazen, of Texas, to be collector of customs for customs collection district No. 23, with headquarters at Laredo, Tex.;

William W. Knight, of Alaska, to be collector of customs for customs collection district No. 31, with headquarters at Juneau, Alaska;

Samuel S. Wyatt, of Tennessee, to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn.;

John A. Vaccaro, of New York, to be surveyor of customs in customs collection district No. 10, with headquarters at New York, N.Y.;

Andrew M. Bacon, of Louisiana, to be comptroller of customs, with headquarters at New Orleans, La.; and

Craig Pottinger, of Arizona, to be collector of customs for customs collection district No. 26, with headquarters at Nogales, Ariz.

Mrs. SMITH of Maine. Mr. President, I shall vote against confirmation of the appointment of John A. McCone to be Director of Central Intelligence. I shall do so because I do not consider him qualified for this very important position, because:

First. He had no training or experience in the field of intelligence prior to his appointment—while all of his predecessors had.

Second. A very serious question existed in his own mind about his qualifications; yet he did not raise this question with the President of the United States.

These disturbing facts are recorded on page 53 of the hearing record on his nomination, and by his own very terse and unequivocal answers to the questions I asked of him on these points.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the portion of page 53 of the committee hearing to which I have referred.

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

Will you tell the committee what training or experience you had in the field of intelligence prior to your appointment to that position?

Mr. McCONE. None.

Senator SMITH. In view of your lack of training and experience in the field of intelligence, you are unique, are you not, in comparison with all of your predecessors?

Mr. McCONE. I do not know that because I do not know the experience of my predecessors.

Senator SMITH. What then makes you feel that you are suitably and adequately qualified to be the Director of the Central Intelligence Agency when you have had no experience or training in the field of intelligence?

Mr. McCONE. I think, Senator, that that was a question decided by others than I.

Senator SMITH. Who recommended you for the appointment?

Mr. McCONE. I do not know.

Senator SMITH. Who besides the President talked with you about taking the position?

Mr. McCONE. No one.

Senator SMITH. Was there not some question in your own mind about your qualifications?

Mr. McCONE. A very serious one.

Senator SMITH. Did you not raise such a question with the President and others with whom you talked?

Mr. McCONE. I raised it in my own conscience, naturally; with my wife. Yes.

Senator SMITH. But not with the President?

Mr. McCONE. No; I did not raise it with the President.

Mr. JAVITS. Mr. President, I invite attention to the fact that the Senator from Minnesota [Mr. McCARTHY] who is in a sense leading the opposition to the confirmation of the nomination of Mr. McCone, is the author of a resolution to establish a Joint Committee on Foreign Information and Intelligence, of which I am a cosponsor.

I advance the view, Mr. President, because of the way I intend to vote on the nomination, that the manner in which to deal with any danger that the CIA may be in itself some kind of a State Department, which I thoroughly oppose, is indicated by Senator McCarthy's bill. I think the CIA must be subordinate to the foreign policy of the United States and that its duty is to obtain and to evaluate intelligence information—period; and that goes for its operatives in the field as well as its operatives at home. It is not necessary to deny a man confirmation of his nomination on that score, but instead it is necessary to have an assurance by legislative oversight in the Congress that we intend to make our purpose felt whoever may be the incumbent in the office as the head of the CIA.

The way to accomplish our purpose is to see that what we want gets done in terms of the ultimate purpose, and Senator McCarthy's bill gives us this opportunity.

Mr. GRUENING. Mr. President, it is a source of regret to me that I feel obliged to express a serious doubt as to the wisdom of a Presidential nomination. I refer to the nomination of Mr. John A. McCone for the supremely important post of Director of Central Intelligence.

It is not pleasant for me to question the judgment of the President of the United States. Particularly, it is not pleasant when one happens to be, as I am, a great admirer of President John F. Kennedy. It is not pleasant for one who wishes, as I do, whenever possible, to follow where he leads and to support his program wherever possible with vigor and enthusiasm. For John F. Kennedy is not only our President, the leader of our Nation, but the leader of the Democratic Party, to which I belong. So it is natural that I should support him and his policies whenever I can do so, whenever I can reconcile his position and his policies with my conscience, beliefs and judgments. He has already demonstrated, in my view, that he is a great President, and I have had occasion to say so on this floor.

However, the Constitution prescribes certain duties for every Member of the U.S. Senate. Among those duties is to advise and consent to the nominations of officers of the Federal Government when such officers are prescribed by law to be subject to the advice and consent clause of the Constitution.

This office is of greater importance, in my view, than any other office upon whose nomination the Senate is required to advise and consent. This is not merely my opinion. This opinion is widely shared.

Indeed, the distinguished chairman of the Senate Armed Services Committee, the able and highly experienced senior Senator from Georgia [Mr. RICHARD RUSSELL], opened the hearings which he conducted on Mr. McCone's nomination, by stating:

In this period through which we are passing, this office is perhaps second only to the Presidency in its importance.

The able and distinguished chairman of the Armed Services Committee not only opened the hearings with that statement—that "In this period this office is perhaps second only to the Presidency in its importance," but he reiterated that opinion later in the hearing—on page 30—and this time without the "perhaps" and without the qualifying clause:

In this period through which we are passing—

In my opinion—said Senator RUSSELL again—

this position in many respects is second in importance only to the President.

Senator RUSSELL is quite right. No position in the Federal Government is fraught with so much power for good or ill and involves such great responsibility. This is particularly the case as it is the only position in the Federal Government which is subject to no supervision or control by any congressional body. In this one case alone our historic and essential system of checks and balances does not operate.

Now, it will be said that John A. McCone has twice been confirmed before to positions to which he was nominated by other Presidents of the United States. That is true. He served as Undersecretary of the Air Force, and he served as chairman of the Atomic Energy Commission. And I do not question for a moment the ability of his service in those fields, or the wisdom of the appointments made by two previous Presidents of Mr. McCone to those two important offices, and the wisdom of the Senate in confirming him unanimously for each of those positions.

The Central Intelligence Agency, however, is entirely different. In the slightly more than a year which has passed since John F. Kennedy took office, his otherwise brilliant record, his dynamic record, his record of high purpose and appropriate action, has been marred by two failures. They are failures which may be ascribed to faulty intelligence. There was first the Cuban fiasco. Mr. President, it is impossible to exaggerate the damage, the continuing and expanding damage, the tragic and unrelenting con-

sequences of that failure. It has already changed the history not only of our country, and the history of this hemisphere, but the history of the world. The full consequences of the fatal error committed on the basis of faulty intelligence are going to haunt us and the free world for years to come—perhaps for all time. It may truthfully be said that when the United States subscribed to the launching of the ill-fated attempt to replace Castro with a regime that would represent freedom and democracy and restore Cuba to a regime of liberty and of human dignity, the action was based on the misinformation that the people of Cuba would rise, help depose their dictator, and welcome the returning Cubans who had been the victims of his savage tyranny, his communistic ideology, and his ruthless destruction of all freedoms. Had the information given to President Kennedy been correct, one of two alternative courses could have and would have been followed. First, to halt and cancel the invasion attempt. Or, second, to support the invasion in such a way, with our armed might, that it would have been bound to succeed. I am not prepared to say which of these two courses we should have followed, but obviously it would have been one or the other.

A second failure of intelligence came in the Berlin crisis. Although we have been living with the Berlin situation for 17 years and all kinds of information had been handed the administration by the CIA, the one course of action which the Russians followed, namely, to seal off East Berlin, was not anticipated.

It caught us completely unprepared and flatfooted. Had our Intelligence Agency informed our Government that the barbed wire fence would be erected and then backed by a wall, it would have been possible to arrive at a course of action which would have nullified that Communist victory. But that information was not forthcoming.

The result was another major defeat based on faulty intelligence.

Now, why then is it pertinent, in my view, that the appointment of Mr. McCone is unwise and inadequate to meet the grave situation which our country confronts throughout the world?

In the hearings which were conducted in one day by the Armed Services Committee of the Senate, the Senatorial questioning seemed to fall into two categories. Some of our colleagues, impressed obviously by Mr. McCone's previous record, the excellence of which I do not question, contented themselves with praising him highly. On the other hand, other members of the committee asked searching questions. Among these was the distinguished senior Senator from Maine, Mrs. MARGARET CHASE SMITH. The Senator from Maine, after pointing out that the Cuban debacle and fiasco climaxed her very serious reservations about the CIA and the way it was being run, coupled with the fact that the CIA enjoys a virtual immunity from reporting to Congress on its activities and expenditures, stated that there was very little, if any, check placed upon it; that, in effect, unlike any other agency in the Federal Government, the CIA has been given a congressional

blank check for its operations and its administration, and that unfortunately, under these circumstances, Congress literally operates in the dark as to the CIA, without reviewing its effectiveness, its justifications, and whether it should be revised and improved, and that indeed Congress operates in the dark and only when it is too late is it possible to learn of the faultiness and damage done. The Senator from Maine then asked the following question:

Will you tell the committee what training or experience you had in the field of intelligence prior to your appointment in that position?

Mr. McCone replied with one word. That word was: "None."

In other words, here you have the man nominated to head this Agency, which is fraught with tremendous power and responsibility, which is subject to no control or check, who admits, and quite correctly, that he has no experience whatever in the field of intelligence.

Mr. President, it seems to me that this, in itself, should disqualify Mr. McCone for this post. As I said previously, the abilities and qualifications of Mr. McCone as Undersecretary of the Air Force and as Chairman of the Atomic Energy Commission, in which no question of his ability arises, have only a remote pertinence to his qualifications for this far more important responsibility.

The Director of Central Intelligence can, in effect, make policy—national policy and international policy. The CIA can, as the CIA has in the past year, disastrously affect the security of the United States, for the head of the CIA not merely heads a vast Agency which collects information, but it also evaluates information. Within 1 year we have had at least two conspicuous and tragic failures in evaluation.

Of course, the CIA does more than collect information and evaluate it. It plays a part in shaping the destiny of other countries. It plays that part because the information which it provides to our Government, and the evaluation which it presents, has in the past and may again in the future determine our policy toward the governments of foreign countries. It may result, as it has resulted in the past, in withdrawing or granting recognition to a regime in that country. It has in the past, and will again, determine actions we take—political actions and economic actions. It may again bring us to the brink of disaster.

How qualified is Mr. McCone, with no experience whatever, to be the head of this vast network and to keep the President informed?

We have in the Record what seems to me to be a somewhat pertinent revelation of some of Mr. McCone's mental processes. Back in October 1956, in the closing days of the presidential campaign, a group of 10 scientists on the faculty of the California Institute of Technology issued a statement calling attention to Adlai Stevenson's suggestion, which he had made in the course of the campaign, that atomic testing should be suspended. It may be recalled that this suggestion of Governor Stevenson's was deplored by President Eisenhower, who felt it should

not have been introduced as a campaign issue, and by Vice President Nixon, who referred to it as "catastrophic nonsense." The statement of these 10 scientists was a reasonable one. They were exercising their rights as free citizens to express a view pertinent to the campaign. In addition to being free citizens, they were knowledgeable ones on the issue involved, since they were all physicists and chemists who had firsthand knowledge of the effect of radiation following atomic bomb explosions. Mr. McCone, who was a trustee of Cal Tech and was campaigning vigorously for the reelection of President Eisenhower and against Adlai Stevenson, exploded with wrath at this statement and wrote a caustic letter to Dr. Thomas Lauritsen, professor of physics at the California Institute of Technology, and made his indignation known to the president of that institution and to fellow members of the board.

These two letters appear on pages 23, 24, 25, and 26 of the hearings, and they speak for themselves, and I ask unanimous consent that they be printed at this point in the Record.

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

STATEMENT OF 10 SCIENTISTS ON ATOMIC TESTING PUBLISHED IN LOS ANGELES TIMES, OCTOBER 15, 1956

For some time Gov. Adlai Stevenson has urged that the United States take the lead and renounce further H-bomb tests for as long a time as other nations likewise refrain from testing these devices. This suggestion has been attacked as advocating a dangerous unilateral action which would permit the Russians to get ahead of the United States in nuclear technology. In our opinion these criticisms have little validity and give inadequate attention to the reasoning that lies behind the proposal or to the urgency of dealing immediately and effectively with the peril that confronts the world as a result of the existence of the H-bomb.

Today we are caught in a nuclear armaments race that threatens to engulf the world. No end of this race is yet in sight. Two nations have already exploded hydrogen devices, a third will do so in a few months. Within a short time it is likely that many countries large and small will possess this capability. With the commitment of more and more national arsenals to this type of warfare, international control becomes increasingly difficult. Even in our own country our Military Establishment is becoming more and more dependent upon nuclear weaponry and the time will soon be upon us when even a limited military action must inevitably drive us into nuclear war.

Time is running out, with an implacability that we ignore at our peril. Yet after 10 years of negotiation, the world has no other guarantee of survival than the tenuous hope that no nation will pull the trigger for fear of committing national suicide.

It appears to us that Mr. Stevenson's proposal might be a useful way to get the negotiations out of the deadlock stage by taking a step which would not endanger our security, which would in no way hinder other areas of nuclear research, which could not be delayed indefinitely by negotiations and which would have a very real significance to most nations throughout the world. At the very least the proposal is one that should be widely debated and discussed for the obvious reason that the control of nuclear weapons is vital to our survival.

Additional advantages of such a step would be:

1. It would decrease our exposure to radioactive fallout and its associated dangers.

2. It might postpone the time when there will be many nations which possess practical H-bomb experience.

3. It would increase our prestige in Western Europe and in Asia.

4. It would provide an important test of Soviet intentions. We must remember that on July 17 Soviet Foreign Minister Shepilov stated that the Russians would be willing to ban H-bomb tests if others agreed.

President Eisenhower has stated that he regrets that the American Government's policy with respect to the testing of large-scale nuclear weapons has been made an issue in this campaign. On the contrary we find it regrettable that discussions of our military strength, of our vulnerability, and of our foreign policy in relation to H-bombs have thus far represented such a small proportion of current political discussions. We must realize that time is running out—that our actions and inactions during the next 4 years may well determine whether our people, our Nation, our civilization live or die.

Our people must not be shielded by their Government from the grim realities that confront us. They must realize how destructive H-bomb explosions really can be. They must realize how easily these devices can be made by other nations. They must realize in full the dangers of radioactive fallout. They must appreciate our vulnerability to ordinary air attack with atomic bombs, let alone to the approaching intercontinental missiles. They must realize all of these things if these problems are to be solved in time.

We believe that the free and open discussion of proposals such as that which has been raised by Mr. Stevenson are essential if we are to extricate ourselves from the vicious circle in which we now find ourselves.

Signers: Dr. Thomas Lauritsen, professor of physics, California Institute of Technology; Dr. Matthew Sands, associate professor of physics, California Institute of Technology; Carl D. Anderson, professor of physics, Nobel Laureate in Physics 1934, member of the National Academy of Sciences; Harrison Brown, professor of geochemistry, member of the National Academy of Sciences, formerly assistant director of chemistry, plutonium project, Oak Ridge, Tenn.; Robert F. McChristy, professor of theoretical physics, formerly physicist, Los Alamos, N. Mex.; Jesse W. M. DuMonde, professor of physics, member of the National Academy of Sciences, during war physicist with OSRD, Air Force, and Navy; Robert V. Langmuir, associate professor of electrical engineering, major field high energy accelerators, physicist with OSRD during war; Charles R. McKinney, senior research fellow in geochemistry, CTT, physicist at Oak Ridge during war, formerly chief engineer of 100 mev betatron at University of Chicago; John M. Teem, research fellow in physics; Robert L. Walker, associate professor of physics, formerly physicist, Los Alamos.

OCTOBER 15, 1956.

DR. THOMAS LAURITSEN,
California Institute of Technology,
Pasadena, Calif.

DEAR DR. LAURITSEN: This morning I read with amazement your statement. It seemed to me the arguments you use concerning renouncing the H-bomb tests are without validity. Indeed, your arguments completely support the position of President Eisenhower and his administration that experimentation and tests must continue until a system of international control is developed.

You mention Foreign Minister Shepilov's statement of July 17, suggesting abandoning of bomb tests; but what you fail to mention is that on almost the day Mr. Shepilov

made the statement the Russians were conducting nuclear tests in the interior of Siberia.

You, Dr. Lauritsen, and your associates know the leadtime required to conduct a test. You know that almost a year must transpire from the time the test is decided upon until it is made. This year is consumed in planning, assembling material and construction, and, finally, in the transportation of the device to be tested. Now, if we make a unilateral decision of a type you and your associates advocate and then Mr. Shepilov does as he did last July—turns around and sets off a few hydrogen bombs in their own testing ground—where do we stand? The answer is simple. We have lost a year; we are behind in the race; all of the dangers which you enumerate in your press release have been multiplied; valuable time has been lost; a reckless decision has been taken, and the security of America placed in jeopardy because of it.

You point out that we are caught in a nuclear armament race, that time is running out and that nothing is being done to arrest the competition in this field between nations. You know that President Eisenhower went to Geneva in an effort to solve the disarmament question. You know that Secretary Dulles has met repeatedly with the foreign ministers of other countries, including Russia, in attempting to find a reasonable answer to the disarmament problem. You know that the United Nations has had its committees on disarmament in almost continuous session during recent years. You know that President Eisenhower placed Mr. Stassen in his Cabinet and assigned him exclusively to the task of finding an answer to the disarmament riddle. You know that 81 nations are now meeting in New York furthering our President's atoms-for-peace program. You know of these actions but still you state that time is running out and infer nothing is being done. How do you reconcile your position with the facts as I have outlined them?

Your statement is obviously designed to create fear in the minds of the uninformed that radioactive fallout from H-bomb tests endangers life. However, as you know, the National Academy of Sciences has issued a report this year completely discounting such danger. Also you know from your close contact with the tests that one of the important objects of them is to develop techniques for reducing fallout. The tests are to be applauded rather than criticized on this particular ground.

Your proposition that postponement of tests will delay the time when other nations might possess practical H-bomb experience seems to have no foundation. In fact, it is an argument that has for several years been a prominent part of Soviet propaganda, and you apparently have been taken in by this propaganda. No nation, friendly or unfriendly, has so much as hinted that our tests are stimulating their work or, on the contrary, that a unilateral decision on our part to abandon tests would cause them to decrease their emphasis on bomb development.

As far as our prestige in Western Europe is concerned, I have spent much more time in Europe during the past 2 years than you have and have been in touch with the civilian or military officials of practically all Western European governments, and I can tell you from personal knowledge that our conduct of tests, H-bomb or other nuclear devices, is not at issue with our prestige in Western Europe.

You infer that our Government shields our people from the realities of the dangers which confront us. This impression is false. President Eisenhower has repeatedly warned us of these dangers. Secretary of the Air Force Quarles dealt with the question at length in addressing the World Affairs Council in Los Angeles on last Wednesday. Secretary

Wilson dealt with it last night on TV. Secretary Dulles has discussed the danger time and time again. Mr. Peterson of the Office of Civilian Defense has criss-crossed the country for 4 years warning of the very dangers of which you speak. Vice President Nixon has discussed the subject in Los Angeles and elsewhere in the United States on many occasions. The country has been advised time and time again, that others have developed the H-bomb and the A-bomb, that they are building up stockpiles, that they have aircraft to deliver them. Our people have been repeatedly warned of the dangers—not shielded from the facts as you infer.

Surely the unilateral abandoning of the very tests which are an essential part of any development of this type does not improve the very situation that seems to worry you. On the contrary, it gives the advantage to our adversary and greatly increases rather than decreases the danger of America and the security of our people.

A unilateral decision of the type you recommend might be fatal to our country. It might easily lose for us the precious technical advantage we now hold. Think of the desperate circumstance we would find ourselves in today had we followed the advice of one scientist, Dr. Robert Oppenheimer, a few years ago and abandoned the development of the H-bomb. Democrats and Republicans alike at that time saw the folly of such thinking. I am sure the more thoughtful members of both parties will see the extreme hazards to our national security in the course you recommend and advocate.

I stand steadfastly behind a policy of disarmament when we reach agreement with other nations for a safe and proper procedure of inspection so that we Americans will be sure that, as we take our guard down through agreement with Russia, we will have no defense. This President Eisenhower has advocated time and again. It continues to be his policy; and you, unfortunately, have completely distorted his position in your press release.

Yours very truly,

JOHN A. MCCONE.

Mr. GRUENING. Mr. President, it will be noted that in comparing the text of these letters, Mr. McCone charges the scientists with advocating the unilateral abandoning of the H-bomb and A-bomb tests. He says:

A unilateral decision of the type you recommend might be fatal to our country.

I find nothing in the letter of the scientists which recommends unilateral abandonment. All it does is to recommend action along the lines advocated by Adlai Stevenson, which indicated clearly that unless other nations followed our lead in abandoning atomic bomb testing, we would be free to resume testing.

In the course of his letter, Mr. McCone said:

Your statement is obviously designed to create fear in the minds of the uninformed that radiation fallout from H-bomb tests endangers life. However, as you know, the National Academy of Sciences has issued a report this year completely discounting this danger.

Mr. President, here is Mr. McCone making a flat statement which scarcely will stand up; yet he is the man who is going to be the interpreter of the vast amount of information which is collected by his staff. Mr. McCone's indignation at the statement of these scientists is not fully disclosed by the hearings, but he made no secret of the

fact of his great perturbation, and discussed it with the President of Cal Tech, Lee Dubridge, and some of his fellow trustees.

The fact is that Mr. McCone's evaluation of the letter of the scientists, as shown by his reply to Mr. Lauritsen, in my judgment raises a serious doubt about his objectivity as an evaluator, which will be one of his major functions, if not his major function as Director of Central Intelligence.

If we go back to the statement of Adlai Stevenson, made in a speech to the American Society of Newspaper Editors on April 21, 1956, he proposed that we cease atomic testing and urge other nations to follow our example. If they did not do so, we reserved the right to change our policy.

Well, is not that precisely what was subsequently done, or was tried, by the United States? Yet, Mr. McCone denounced these scientists violently, showing a passion which certainly does not reveal the degree of objectivity which should be so essential in the evaluation of reports which will come in from all over the world. With his views so definitely known, how objective can we assume will be the reports of his vast staff?

I need not elaborate this point further at this time; but to me it indicates that there is a good deal of question how valid Mr. McCone's judgment has been in the past and may be in the future.

Indeed, Mr. McCone's subsequent testimony, under cross-questioning, reveals how mistaken his violent indignation at these scientists proved to be. My colleague, Senator BARTLETT, a member of the Committee on Armed Services, also asked some searching questions.

Referring to Mr. McCone's statement in his letter to the scientists that "the National Academy of Sciences had issued a report completely discounting such danger," Senator BARTLETT said:

And such danger has to do with the radioactive fallout from H-bomb tests.

Do you know—

Senator BARTLETT continued—

If the National Academy of Sciences has changed its views relating to this since then?

Mr. McCone replied:

I do not know of any official statement. They put out a report in the spring of 1958 that dealt with the question of the genetic and other effects from radioactive fallout resulting from reference to testing, and, as I recall the report, it tended to minimize the effects at the level of radiation, at the then existing level of radiation, at the level to be expected from the tests that had taken place or might be expected if tests were continued at about that level.

Senator BARTLETT. That is, only the tests? Mr. McCONE. It relates only to tests, yes, as I recall it.

Now bear in mind:

Senator BARTLETT. Five years ago, I understand.

Mr. McCONE. Of course, this subject has been reviewed and reviewed many times, as Senator JACKSON knows, and there are wide differences of opinion among scientists, and sincere differences of opinion, concerning the effects of radioactive fallout.

Senator BARTLETT. But there is no difference of opinion, is there, among scientists as to the dangers that would be inherent in radioactive fallout in case one of these bombs was to be dropped on any nation?

Mr. McCONE. No I think there is pretty general agreement that there will result an area of intense radioactivity which would be lethal and the extent of that area is dependent upon the atmospheric conditions and the wind and all the rest.

But there is no difference of opinion among scientists as to the fact that there would be serious radioactive consequences from an atomic exchange.

Thus, Mr. McCone admitted that there are wide differences of opinion among scientists and sincere differences of opinion, concerning the effects of radioactive fallout, the very fact about which he had castigated the ten scientists.

I wonder how valuable the evaluation of complicated and complex information from all over the world would be by a man who violently denounces a group of scholars for merely calling attention to and discussing the question of the damage from atomic fallout, on which he presumably was expert, and then, under cross-examination, is compelled to admit that his original castigation merely presented another point of view on a question on which, he admitted, scientists had sincere differences of opinion.

Finally, there is also the serious question of conflict of interest, which has been raised by others in the course of the debate. The past involvement of Mr. McCone in financial affairs on an international scale cannot be freed from the question as to whether it will not influence his judgments in the future.

Here it is pertinent to conclude with the statement of President Kennedy himself on the conflict of interest:

No responsibility of government is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public's business. There can be no descent from the principle that all officials must act with unwavering integrity, absolute impartiality, and complete devotion to the public interest. This principle must be followed, not only in reality, but in appearance, for the basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter.

As President Kennedy so truly says, this principle must be followed not only in reality, but in appearance, for the basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter.

Nothing that I have said reflects, or is intended to reflect, in any way on the executive ability, integrity and patriotism, as well as devotion of Mr. McCone. Were he being appointed to a high executive position in the armed services, I would have no hesitation in consenting to his nomination. But in these circumstances, for reasons heretofore stated, I feel regretfully compelled to vote in opposition.

Mr. BUSH. Mr. President, I rise in support of confirmation of the nomination of John A. McCone.

Before I make my own comments on the nomination, I wish to read a state-

ment by the Senator from Kentucky [Mr. COOPER] in connection with this matter. His statement is self-explanatory, and reads as follows:

STATEMENT OF SENATOR JOHN SHERMAN COOPER

Almost a year ago I made a commitment which makes it impossible for me to be in Washington today, at this time when the nomination of the Honorable John A. McCone to be Director of the Central Intelligence Agency is to be considered by the Senate.

While I have no doubt that his nomination will be confirmed overwhelmingly by the Senate, I regret very much that I will not be present, because I support his nomination strongly and would like to be present to cast my vote for confirmation.

His long and distinguished record in the service of the United States attests, more clearly than anything I can say, his ability to serve as Director of the very important Central Intelligence Agency. Twice the Senate has approved him—when he was nominated by President Truman to be Assistant Secretary of the Air Force, and when he was nominated by President Eisenhower to be Chairman of the Atomic Energy Commission.

I have known Mr. McCone for 12 years. From his record of service and from my own observation, I know of his exceptional ability as an administrator. He has also always been a profound student of governmental affairs. The record proves that he has directed his administrative and organizational abilities and his powerful mind toward the problems of the agencies with which he has served, and always with the purpose of making them more effective in the service of the United States.

He is a man of integrity and character, and I have never known anyone whose loyalties are more bound to the security and freedom of our country.

As I have said, I have no doubt that his nomination will be overwhelmingly confirmed. But I do want to express my support of him as a man and as a public servant, and to speak of his qualities which are known by those who have served with him and by Members of the Senate.

So much for Senator COOPER's statement, Mr. President.

When this nomination was before the Armed Services Committee, and hearings on it were being held, I made a brief statement myself; and at this time I wish to read it for the RECORD of today. It is as follows:

Mr. Chairman, I want to congratulate President Kennedy upon this nomination. I think it is one of the best that he has made, and I want to congratulate Mr. McCone upon being willing to accept this very heavy burden of responsibility.

It is a heavy burden, and it requires a man of great integrity and courage and trustworthiness and ability, demonstrated ability.

I know of my own knowledge of Mr. McCone that he is the man that possesses these qualities to a marked degree, and I take great comfort in this nomination for that reason.

Furthermore, I know him to be a deeply religious man and one who understands better than most, and I believe as well as any, the nature of the Communist menace with which we are faced. So I believe, Mr. Chairman, that in all respects which can be reasonably taken into account in connection with this kind of an appointment, he is fully qualified and will give a wonderful account of himself in this new post with this great responsibility, which he will shortly assume.

Of course, Mr. President, this agency is not a procurement agency. Therefore, in connection with Mr. McCone's nomination, there is no legal requirement that he divest himself of any of his property. No procurement agency—such as there is, for instance, in the Department of Defense and its subsidiary agencies—is involved in this case.

In selecting a man for this position, as well as for a position in one of the Defense agencies, the emphasis should be placed on character, integrity, responsibility, and general, proven ability.

Mr. McNamara, the very able and distinguished Secretary of Defense, had accumulated wealth in business before he came to that post; but I believe he has proven himself to be one of the best public servants who has served in Washington in many a day; and despite the fact that he has various property as a result of savings during his business career, whether they be in his own name or in his wife's name or in trust, these do not tempt him to betray the interests of the United States. They do not tempt him to do that, because he is a man of character and integrity.

The President of the United States himself is a wealthy man, and so are the members of his family. They might be subject to pressures from selfish interests from without; but they would not yield the interests of their country, because they are people of integrity and character who would place the interests of their country far above any such temptations.

The Secretary of the Treasury, Mr. Dillon, is a successful man; and I assume that probably he has accumulated considerable wealth, for he was active in business for many years. It is possible that some of his many business friends might wish he would do various things of one kind or another which might benefit their special interests; but certainly they would not approach him with any such request, because they know him to be a man of integrity, character, and responsibility.

So, Mr. President, I think the President has done very well to select Mr. McCone—because the President knows Mr. McCone's high character and integrity and responsibility—to handle this very responsible Agency, as its chief.

Again I congratulate the President on this very high-caliber appointment; and I hope the Senate will confirm the nomination by an overwhelming vote.

Mr. BYRD of West Virginia. Mr. President, the question before the Senate has been a very difficult one for me, and it has caused me much concern. I was not present when Mr. John A. McCone appeared before the Armed Services Committee. I was necessarily absent because my 82-year-old mother had to undergo a surgical operation in Beckley, W. Va., on that day, for the removal of what was thought to be a malignancy. However, I have carefully read the printed hearings which contain the testimony of Mr. McCone before the Armed Services Committee.

I hold a great deal of admiration for the nominee. I admire his courage in taking a strong position against unilat-

eral abandonment of bomb tests. He has exhibited great talent, and he has proved himself to be a resourceful and extremely capable businessman. He does not enter his new position without considerable experience in Washington, and any man who is chosen by three Presidents of the United States to serve his Government is a man for whom we all must have great respect. He was appointed by President Truman to the President's Air Policy Commission. He served as Special Deputy to Secretary James Forrestal. He served as Under Secretary of the Air Force, and he was later a member of Secretary Dulles' Public Committee on Personnel. His most recent Government service was as a member of the Atomic Energy Commission and Chairman of that body. I am constrained to believe that he has served well and capably in these positions. I regret, however, that in his appearance before the Armed Services Committee Mr. McCone indicated that he had had no experience or training in the field of intelligence prior to his appointment as Director of the Central Intelligence Agency. Although this in itself perhaps would not persuade me to vote in opposition to his confirmation, it is a factor bearing upon my decision.

It is unfortunate that one can scarcely address himself to the subject of conflict of interest without appearing to take the position of accuser or prosecutor. I speak not in derogation, however. I am confident that Mr. McCone is an honorable and upright man. Moreover, I am sure that the President, in nominating Mr. McCone, has satisfied himself, after careful examination, as to the qualifications of the nominee and as to any possibility of conflict-of-interest. Yet, there devolves upon the Senate a constitutional duty to pass a careful and detached and independent judgment as to this nominee. I do not feel, therefore, that it is any reflection upon the President, or indeed upon the nominee, that we search our own consciences and our own hearts in dealing with the matter before us. It is our high duty and responsibility to bring our own clear judgment to bear upon the subject.

Mr. President, whether or not our conflict-of-interest laws are sound or unsound is not for our decision today. I know that in some instances able men from the business community are inhibited and discouraged from serving in high Government positions because of the necessity of their divesting themselves of all their holdings. Such a necessity constitutes a burden and a sacrifice. Yet, most of us who act as public servants sacrifice in one way or another. While those who have huge stockholdings are not forced to divest themselves of those holdings before becoming a Member of this body or the other body, nevertheless, service in public office comes at a great personal sacrifice to some of us, or perhaps most of us. Some sacrifice the opportunity to enlarge their fortunes. Some sacrifice the attention, the love, and the companionship which they should give to their children. Some of us sacrifice our health. We all pay a price to serve, and yet we are will-

ing to make that sacrifice because we love to serve our Government and our people. Consequently, I cannot be greatly persuaded by the arguments that are sometimes made against the requirement of divestment of holdings.

I realize that the conflict-of-interest requirements imposed upon nominees in the Department of Defense emanate from the magnitude of procurement there and, of course, the situation is quite different in considering the Central Intelligence Agency. Nonetheless, in view of the highly sensitive and vitally important position to which Mr. McCone is being considered today for confirmation, in my opinion it is just as important that there be no possible conflict-of-interest in this instance as if he were being considered for the position of Secretary of Defense.

Mr. McCone, by his own admission before the Armed Services Committee, testified that he holds a little more than \$1 million worth of stock in Standard Oil of California. He referred also to extensive holdings in various other large companies, which include the Sequoia Corp., Trans-World Carriers, San Marino Corp., and the Joshua Hendy Corp. Standard Oil of California has extensive reserves in Arabia and Sumatra and Venezuela and elsewhere, and the vessels in the shipping enterprises in which Mr. McCone is interested are engaged in carrying oil for Standard of California.

I think it is a matter of common knowledge that American oil companies are concerned with and involved in the politics of the Middle East and the politics of Central and South America. The Central Intelligence Agency is similarly embroiled in the politics of the Middle East and Central and South America. Mr. McCone indicated, in the course of the hearings before the Armed Services Committee, that Standard Oil of California is a member of the Arabian-American Oil Co. In the hearings, Senator BARTLETT asked the following question of Mr. McCone:

And, of course, all of us have heard that this company, operating in the Middle East, has at various times intervened or participated or interfered, whatever word should properly be applied, in the operations of governments in those areas and, so far as I know, these are merely allegations, but they have been printed and discussed. Would you have any comment to make upon that situation?

To this questions, Mr. McCone replied thusly:

No, I would have no comment because I have not personally read or heard of those allegations. In my trips to the Middle East, I have observed that the Aramco people handled their relationship with the Governments of Arabia and Bahrain Island in a very satisfactory way, so reported to me. I don't know of any interference.

Mr. President, I am not satisfied with this reply to Senator BARTLETT's question. As to Mr. McCone's having divested himself of his holdings at the time he became a member of the Atomic Energy Commission, I think this was entirely proper. I am pleased to note that he has indicated a willingness to establish an irrevocable trust again, but,

in my mind, this would not be an entirely satisfactory solution, because he and his family would continue to have an economic and beneficial interest in the holdings. The fact remains that he has not divested himself of these stockholdings and, as a matter of fact, he has indicated that he does not believe that the situation which made it advisable for him to take this action at the time of his appointment to the Atomic Energy Commission exists in connection with the office of Director of the CIA. Secretary of Defense McNamara, on the other hand, was required to divest himself of his stockholdings, and it was not thought that his offer to place his stock in an irrevocable trust removed the conflict of interest. I think Mr. McCone should sell his stocks.

Mr. President, a quotation from the regulations of the Central Intelligence Agency dealings with the conflict-of-interest question was printed in the January 29 issue of the CONGRESSIONAL RECORD at page 974. I repeat the subparagraph of the section which defines a conflict of interest:

(b) Conflicts of interest.

(1) Definition: A conflict of interest is defined as a situation in which an agency employee's private interest, usually but not necessarily of an economic nature, conflicts or appears to conflict with his agency duties and responsibilities. The situation is of concern to the agency whether the conflict is real or only apparent.

Mr. President, I do not say that, in Mr. McCone's case, there will be any conflict of interest. Nevertheless, I stress the language in the regulation stating that a conflict of interest is a situation in which an agency employee's private interest conflicts or appears to conflict with his agency duties. The regulation says the agency is concerned whether the conflict is real or only apparent. Mr. President, the conflict may not be real in Mr. McCone's case. The conflict may never become a reality. But it is nonetheless a possibility. That which is a possibility today may become, under certain circumstances, a reality tomorrow. No human being is infallible, and the risk to our country is great. In my judgment, even the appearance or the possibility of a conflict of interest should be nonexistent in the case of Mr. McCone. I hope that a conflict of interest will never eventuate, and I make no appeal to other to vote as I shall; but, until he has divested himself of the holdings to which I have referred, I shall not be willing to support Mr. McCone's confirmation.

Mr. RUSSELL. Mr. President, the President of the United States, pursuant to his constitutional duty, has forwarded to the Senate the nomination of John A. McCone to be the Director of Central Intelligence.

The issue before the Senate is whether the Senate will advise and consent to this nomination.

Mr. President, I assume that most Members of this body would be willing to concede that the President of the United States is entitled to have such persons as he desires to serve in positions

of vast responsibility, such as the Director of Central Intelligence, unless the person whose name was forwarded to the Senate had some impediment either in morals or in ability that would disqualify him from serving in that capacity.

I do not think anyone would take the position that a Member of the Senate is justified for capricious reasons, or for no reason at all, in voting against the nominees of the President of the United States for these very important positions.

In the absence of a clear disqualification, I have always resolved any doubts in my mind in this area in favor of the President's right to have associated with him in the executive branch of the Government those whom he desires, and I am supporting the nomination of Mr. McCone. I do this not only because I believe the President is ordinarily entitled to have the man of his choice, but also because I believe Mr. McCone is fully qualified in every respect to discharge the duties of the office and because I believe him to be a patriotic, able, honest, forthright American who only desires to serve his country when occupying any position of public trust and responsibility.

This opinion is based, in part Mr. President, on two hearings that have been held on former occasions to examine into the qualifications of Mr. McCone. Mr. McCone was nominated in 1950 to be Under Secretary of the Air Force. Mr. McCone was examined by the Committee on Armed Services, and his nomination was unanimously confirmed by the Senate. Later, some three or four years ago, another President of another political party, President Eisenhower, selected Mr. McCone to serve as chairman of the Atomic Energy Commission, an agency of vast importance to the security of these United States. Mr. McCone was carefully examined in great detail by the Senate section of the Joint Committee on Atomic Energy, and on that committee are men of varied political views. His nomination was unanimously reported by the committee and was unanimously confirmed.

I must say, Mr. President, I have been somewhat disappointed that so many extraneous matters have been dragged into the discussion. I have been somewhat disappointed by the extent to which innuendo has been used and developed by some of those who are opposing the nomination of Mr. McCone. I say that, freely conceding the right of every Senator to vote as he sees fit.

I regret that I have not been able to be on the floor of the Senate during the entire course of this discussion. Ordinarily I would have been present pursuant to the discharge of my duties as chairman of the Senate Committee on Armed Services, but unfortunately the committee has been conducting a series of hearings on the procurement items which must be authorized before the Senate can consider the appropriation bill for the Department of Defense. A number of other items have had my attention, including a foray which was launched against the section of the country from which I come, which in this political year has occupied my time.

It has been impossible for me to keep three balls in the air at one time and to watch all of them. I have had to watch them one at a time and to leave the other two at rest.

I have been appalled, on reading the Record, to see the extent of misconception which exists in the minds of some Senators as to the nature of the position of the Director of Central Intelligence. When one reads the record of some things which have been said, Mr. President, one could come to the conclusion that the Director of Central Intelligence was a super State Department and that he formulated foreign policy. Reading it further, in other areas, one could come to the conclusion that he was a freewheeling Secretary of Defense who could move around over the world, declaring war on those who incurred his displeasure and toppling over Governments by covert means, without any let or hindrance from the Chief Executive of this country or any responsibility to the Chief Executive of the United States.

Mr. President, the truth of the matter is that this man, while he will occupy an office of vital importance to this country, will not have the power or the responsibility or the duty of formulating foreign policy, and time and again in his appearance before the committee, he disclaimed any intention to attempt to do so. Not only that, but so far as the covert activities of the Central Intelligence Agency are concerned, he stated time and again what we all know is a fact, that no Director of Central Intelligence would think of undertaking any activities anywhere on the face of the earth without the approval and the consent of the President of the United States, who can dismiss him at his pleasure. We all assume that the President of the United States would consult with the Secretary of State when any of the intelligence-gathering activities might be related to the foreign policy of the United States.

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

Mr. RUSSELL. I yield briefly.

Mr. SALTONSTALL. As the distinguished Senator from Georgia knows, the duty of the Director is to obtain facts. If he had stated to the committee that he felt that it was a part of his job to determine policy, I, for one, would not have supported him. I am supporting the nomination of Mr. McCone wholeheartedly because he understands fundamentally that it is his duty to obtain facts and not to determine policy.

Mr. RUSSELL. It is the duty of the Director to obtain the facts, to evaluate, and then to present them to his proper superiors.

Mr. SALTONSTALL. The Senator is correct.

Mr. RUSSELL. Mr. President, it is ridiculous to talk about the Director's attacking foreign powers over the earth without the knowledge, consent, or approval of the President of the United States. What is really involved in this so-called constitutional discussion does not relate to the competency of John A. McCone to serve as Director of the Cen-

tral Intelligence Agency. It relates to the proper use of the constitutional powers of the President of the United States.

My mind goes back into recent history, when a great debate arose about the power of the President of the United States to send American troops abroad. A document prepared in the Department of State set forth more than 100 occasions when Presidents of the United States of every political persuasion in our history had sent troops into foreign countries without the sanction of Congress or without a declaration of war.

But what is being questioned here is the constitutional power of the President; and Mr. McCone, whose nomination happens to be before the Senate, is the whipping boy.

When he was asked about the extent of his powers, Mr. McCone said in two or three instances:

I conceive it to be my duty to carry out the orders and commands of the President of the United States.

What other position would Senators have him take? If he would not follow the commands of the President of the United States, whose orders would he follow? Certainly to follow the President's commands would be his duty. He would not tie his hands in any degree. He would not say:

I am going to investigate the constitutional niceties that might be involved before I let an agent of the CIA go to "X," the capital of "Y," and try to find something about the strength of their military forces.

Mr. President, that kind of action is not the duty of the Director of Central Intelligence. His duty is to serve the President of the United States.

There has been discussion about the work of the CIA being in the field of foreign policy. The position of Director of Central Intelligence was not created indirectly in the field of foreign policy. It was created to serve the President of the United States in his constitutional capacity as Commander in Chief of the Armed Forces of the United States, and to enable him to prevent his subordinates from being caught by surprise by some enemy attack, or being caught by surprise by the strength of some adversary that might secretly build up its military strength to overwhelm us.

I conceive of the office of Director of Central Intelligence being what in the old Army we used to call a G-2. The Director of Central Intelligence is a G-2 of the President of the United States. He is a man who handles the intelligence of the President.

All the talk about Mr. McCone's views on foreign policy and why the Committee on Armed Services did not ask him what he thought about the foreign policy that is being applied in Iraq, Iran, Congo, or somewhere else, is entirely beside the point. If we had sought to elicit such information from Mr. McCone in that area, it would have been highly improper for him to express his views, because the position he was appointed to fill had nothing whatever to do with formulating foreign policy. Had he done so, he would have given any Senator who opposes him additional ammunition to oppose him by saying,

"Here is a man who thinks we ought to have taken a given action in the Congo, or done something else in the case of Goa, or we should have acted in a given way in the case of Russia. I do not agree with him. Therefore I shall vote against confirmation of his nomination."

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. PASTORE. Does the distinguished Senator know of any position in the Federal Government that is more sensitive and more strategic than that of Chairman of the Atomic Energy Commission, which has full responsibility with respect to all the classified data within the control of the U.S. Government with reference to atomic bombs, hydrogen bombs, how many of them we have, and what we are going to do with our friends and what are we going to do about our adversaries?

Mr. RUSSELL. I completely agree with the Senator, who is one of the most able and most knowledgeable members of the Joint Committee on Atomic Energy. I know he has had an opportunity to observe Mr. McCone in his administration of the important Atomic Energy Commission.

Mr. President, of course, we did not go into Mr. McCone's views on every phase of foreign policy. It would have been highly inappropriate for us to have done so, because he is not in a policymaking position. He is in a position in which he undertakes to serve the constitutional Commander in Chief of the United States, the Chief of all the Armed Forces, and to try to furnish the necessary information to keep us from blundering into trouble in this age of fearsome weapons and surprise attacks that would destroy many of us and deliver into slavery those who might be left.

Some of the questions seem to imply some dereliction on the part of the Committee on Armed Services for not going into all of Mr. McCone's views on foreign policy. I assume that if we had done so, the complaint would have been the other way around: "What has the Armed Services Committee to do with foreign policy? Why are they going into all these issues? Why was Mr. McCone cross-examined and asked to express opinions on foreign policy matters? Those questions are in the field of foreign relations."

We must look a little further than that, I think, to see what is the genesis of the very violent opposition to Mr. McCone.

In passing, I wish to say that I regard it as unfortunate that we air on the floor of the Senate all the things that Central Intelligence Agency is reputed to have done or not to have done in foreign countries. I cannot see that it serves any useful purpose. It cannot attach to the competency of Mr. McCone because he was not the Director at the time. But in the very nature of things the Central Intelligence Agency can neither admit nor deny a charge that it is interfering, that, for example, the interference in Iran is with relation to some individual, or that it is interfering in some other country.

If the nominee would say that we are not taking such action, another question might arise—"Why aren't you there seeing what they are doing, since you represent the United States?"

If the nominee were to say, "We are taking such action," it could then be said by those who oppose confirmation of the nomination, "That is an act of undeclared war."

Make no mistake about it. The position of Director of Central Intelligence was created to serve the President of the United States as Commander in Chief of the Armed Forces of the United States; and should the responsibility go beyond that point, whether by reason of overt or covert operations, it would be exceeding the concept and the purpose for which the position was created.

Mr. SALTONSTALL. Mr. President, will the Senator yield at that point?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Does not the Senator from Georgia, the chairman of our committee, agree with me that the office of the head of Central Intelligence, as he and I have followed the operation of the agency over the years, requires the qualities of intelligence, understanding of other people, courage, energy, patience, education, and, above all, good administrative ability; and that in the opinion of the President, Mr. McCone has these qualities, because he has been appointed to and has proved himself to possess these qualities in many other positions, such as in the position of Under Secretary of Air under Mr. Finletter, as well as under Mr. Forrestal, when Mr. Forrestal was Secretary of Defense, and also under Secretary John Foster Dulles in the State Department as a member of a commission; that he served by appointment of President Truman and also under appointment by President Eisenhower, as chairman of the Atomic Energy Commission? Mr. McCone has served in these various positions and his nominations to office have been confirmed twice by the Senate. Obviously, he has these qualities which, in my opinion, are necessary qualities for serving under the Commander in Chief of the Armed Forces, the President of the United States, a position that requires him to acquire information as to facts.

Mr. RUSSELL. The Senator has well outlined the qualities that would be highly desirable in a Director of the Central Intelligence Agency. I would not say that every Director of the Agency in the past has possessed all the qualities the Senator has outlined. However, the Senator has stated what would make a perfect head of the Central Intelligence Agency. He certainly outlined the attributes of character that the President of the United States, the present Commander in Chief of the Armed Forces of the United States, thought the man possessed when, after careful consideration of a large number of people for this vitally important job, he finally selected John McCone to fill it.

I have no doubt that the President's selection will be well justified in the days that lie ahead. If it is not, the Presi-

dent can get rid of him with the stroke of a pen. He will hold office at the pleasure of the President.

"Oh," say some Senators, "no, we will not have him confirmed; we are not even going to give the President a chance; we are going to stop him with a stroke of the pen in the Senate before he gets into the job by defeating his confirmation."

Of course that is within the right of these Senators, and within the power of the Senate. However, the power to advise and consent can be abused, just as can the power of the executive branch of the government, or any other power that might be vested in anyone.

I now come to the conflict-of-interest issue. I do not believe that any person familiar with the records of the Armed Services Committee will say that, whatever may have been our derelictions in other fields, we have been soft on dealing with the conflict-of-interest question.

Certainly when the first of the automobile company presidents came before us for confirmation of his appointment we created headlines all over the country because we required him to dispose of his stockholdings; and he is said to have suffered great losses as a result. The present Secretary of Defense disposed of great holdings in another automobile company. In addition, he sacrificed a job that was paying him about 10 times as much as he would be paid as the Secretary of Defense.

I have undertaken to keep up with the statutes, at least—I do not pretend to have read all the decisions that have been rendered—dealing with the conflict of interest. The purpose of the statutes I have read is to prevent any man in a public position handling tax money from doing business with himself, and using money raised through taxes for that purpose. In other words, it is to prevent him from representing the Government on the one hand and, on the other, dealing with himself in some corporation, firm, or partnership in which he has an interest. It is to prevent that kind of relationship that the conflict-of-interest statutes have arisen.

For that reason the Committee on Armed Services did not demand that Mr. McCone divest himself of some of his stockholdings before assuming the position of Director of Central Intelligence as we would have demanded that he do had he been nominated for the position of the Secretary of Defense, for example, in which position he would be engaged in procurement on behalf of the Government or dealing with the concerns in which he owned stock. We did not demand the divestment that was required when he took his position with the Atomic Energy Commission. In that instance the statute requires that the head of the Atomic Energy Commission not hold stock with any company with which the Commission does business. Essentially that is what the law provides. I could not see where there was any conflict of interest on the part of a man who is to be the Director of Intelligence, when he is not engaged in any extensive procurement.

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

Mr. RUSSELL. I yield.

Mr. SYMINGTON. I should like to ask the able and distinguished chairman of the Committee on Armed Services, is it not true that the nominee had received an opinion from the general counsel of the Central Intelligence Agency concurred in by the Department of Justice to the effect that there was no conflict of interest in his case?

Mr. RUSSELL. He did. However, despite the fact that he had received those opinions, he expressed a willingness to do what he had done before. He was very frank with the committee. He said, "I do not see where there could possibly be any conflict of interest. However, if you want me to do it, I will do what I did when I took the position with the Atomic Energy Commission."

If there is any dereliction, it is not on the part of Mr. McCone; it is on the part of the committee. In view of the fact that the CIA has little procurement functions, I, as one member of the committee, could see no necessity for compelling this man to dispose of any stock he held, any more than I could see any necessity in compelling an employee of the Senate, for example, to dispose of his stocks. Senators themselves hold stocks. There is as much likelihood of a conflict of interest on the part of a Senator who holds a great deal of stock in a company with which the Government does business as there is for the Director of Central Intelligence.

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

Mr. RUSSELL. I yield.

Mr. LAUSCHE. At page 55 of the testimony, Mr. McCone admitted that he owned approximately \$1 million of stock in the Standard Oil Co. of California, and that the Standard Oil Co. of California gave to the Hendy Co., of which he was the 100-percent owner, \$2 million worth of ocean-carrying cargo business. If Mr. McCone is approved as the head of the Central Intelligence Agency, he will be working in the Far East, where oil problems are many. My question is this: Let us assume that there develops in the Far East some disturbance concerning the expropriation of oil interests, and Mr. McCone acquires that information. Is it possible or likely that that information might influence him in the handling of his holdings in the Standard Oil Co. of California or in the Joshua Hendy Co.?

Mr. RUSSELL. Mr. President, if a man wishes to think the very worst of Mr. McCone, and if the eventuality which the Senator has outlined were to come about—and we do not know that it will happen—it is also possible that the President of the United States might have something to say about it at that stage of the proceedings. This man is answerable to the President, as is any clerk in the President's office. He can discharge this man at any hour of any day that he so desires.

I have heard that argument before. I have heard it made by Senators on the floor of the Senate three or four times.

I am not at all impressed by it. If one wishes to carry that argument out to its logical extension, even to the point of reductio ad absurdum, one would have to contend that any person of the Jewish faith should not serve as Director of Intelligence because he might be influenced by the intelligence he might receive on activities that might occur in Israel; or one might contend that no person of the Catholic faith should serve as Director of Intelligence because he might be influenced by the attitude of the Pope on some question.

That is a remote possibility. However, I say that it is a very frail argument to use against an honest, honorable, patriotic American citizen who has had his name sent to the Senate by the President of the United States.

Mr. LAUSCHE. Mr. President, will the Senator yield for a further question?

Mr. RUSSELL. I yield. I had hoped to conclude by now.

Mr. LAUSCHE. I surrendered the floor to the Senator from Georgia. I was supposed to be recognized prior to the time he was.

Mr. RUSSELL. I had no knowledge of that. I did not request the Senator from Ohio to surrender the floor to me. I want the Record to show that. I had no knowledge of that until this moment.

Mr. LAUSCHE. The President of the United States said:

No responsibility of government is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public's business. There can be no descent from the principle that all officials must act with unwavering integrity, absolute impartiality, and complete devotion to the public interest. This principle must be followed, not only in reality, but in appearance, for the basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter.

Mr. RUSSELL. Did the Senator read from a statement by President Kennedy?

Mr. LAUSCHE. Yes; I read from his definition of what should be expected of a public servant.

Mr. RUSSELL. Since the President made that statement, he submitted Mr. McCone's nomination to the Senate. I assume he did not think there was any conflict for he would not have sent Mr. McCone's nomination to the Senate.

I realize the necessity for having a very high standard of ethics on the part of all our public servants, but it seems at times these things are stretched so far that it appears to be a crime—a crime with which I could never be charged—to have managed to accumulate a vast fortune, and to do so by one's own efforts.

It is a strange reaction that the public mind throughout the United States today seems to look on a man who makes a great deal of money as if there were something wrong with him. But if he inherits a vast sum of money, the same stigma does not attach. The distinction is hard to follow. In my opinion, we should not discriminate against a man who makes money by his own efforts in favor of one who by chance of birth came into a vast fortune.

I do not hold against Mr. McCone his accumulation of fortune. I believe that if a situation arose whereby his ownership of oil stock conflicted with the policy of the United States, or could conflict with the policy of the United States, in the Middle East, Mr. McCone himself would bring the situation to the attention of the President of the United States, if the President did not have it brought to his attention from other sources. There are a great many persons who, I am sure, would be glad to bring it to the President's attention.

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

Mr. RUSSELL. I yield.

Mr. GORE. As a member of the Joint Committee on Atomic Energy, I have had the privilege of working closely with and sometimes in opposition to Mr. McCone while he was Chairman of the Atomic Energy Commission. I consider John McCone to be a capable, courageous, and patriotic citizen. My only regret with respect to this appointment is that Mr. McCone is not 20 years younger, in order that he might contribute more of the faithful and dedicated service of which he is capable.

Mr. RUSSELL. I thank the Senator from Tennessee.

Mr. FULBRIGHT. Mr. President, will the Senator from Georgia yield 2 minutes to me? I wish to make a short statement.

Mr. HUMPHREY. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. Mr. President, I had hoped to conclude my remarks before now. I could have concluded in 15 or 20 minutes and would have done so had I not been interrupted for questioning.

Mr. HUMPHREY. Mr. President, I have had a number of requests from Senators for time in which to speak on this important nomination. I know the chairman of the Committee on Armed Services still has some remarks to make.

Mr. RUSSELL. I have almost concluded.

Mr. HUMPHREY. The opponents of the nomination still wish to be heard. I shall ask the indulgence of Senators in order to request that the present unanimous-consent agreement be amended by a new unanimous-consent request, namely, to extend the time for 45 minutes; in other words, to have the vote on the nomination take place at 2:45 p.m.

Mr. SYMINGTON. Mr. President, it is my hope that the vote will be taken before that time.

Mr. HUMPHREY. I will amend the request and ask that the time be extended 30 minutes.

Mr. DIRKSEN. Mr. President, it is understood, I assume, that the time will be equally divided.

Mr. McCARTHY. Mr. President, is there to be a distribution of the additional time?

Mr. HUMPHREY. Mr. President, the time will be equally divided and will be under the control of the chairman of the committee and of the junior Senator from Minnesota [Mr. McCARTHY].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President, I had almost concluded my remarks. I would have concluded them much earlier had it not been for the questioning. However, I am always glad to yield, particularly on a subject of this kind.

In these troubled times, I doubt that it would be possible to secure an ideal man to fill any public position. That includes even the great office of President of the United States. We all have responsibilities and duties that are beyond our capacity. All we can do is the very best we can with the light and the strength with which providence has endowed us.

In my judgment, this nominee is an honest, patriotic public servant. I believe he will bring to the office certain abilities that will be most helpful in enabling him to report to the National Security Council and to the President of the United States, his Commander in Chief, valuable intelligence information. If I had the slightest doubt about the nominee, considering the importance of the office, I would vote against Mr. McCone.

Many objections have been raised against Mr. McCone. One of them is that he has been in favor of continuing atomic testing in the atmosphere. Yet the same persons who condemn him for that wanted the committee to go into every detail concerning what Mr. McCone thought about that policy. He held that view before he was nominated to this position, but I am certain he has not retreated from it. I am particeps criminis in that viewpoint; I am one who thinks the United States should resume atomic testing.

I have seen it stated that Mr. McCone's hatred of communism was so all-consuming that he could not do a fair job in the Central Intelligence Agency because he would twist and distort matters so as to provoke us into a war with the Soviet Union. I do not believe that. I think Mr. McCone abhors communism. If I did not think so, I would be voting the other way. But I do not believe he will carry into his new position his feelings about differing philosophies of government, as between our free enterprise system and the slave state, in which a man is chained to the wheel of the state, to the extent of influencing his judgment on intelligence. It is impossible for me to think that he would do so. I think he would be fair and objective in his effort to discharge his duties.

The President of the United States has selected Mr. McCone. He has said, in effect, "This is the man I want to serve as my G-2, to furnish me intelligence." I think the President of the United States is entitled to have him.

Mr. PASTORE. Mr. President, will the Senator from Georgia yield 3 minutes to me?

Mr. RUSSELL. I yield 3 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The hour of 2 o'clock has arrived. Under the unanimous-consent agreement, as amended, the time is further controlled. The Senator from Rhode Island is recognized for 3 minutes.

Mr. PASTORE. Mr. President, I am going to support and vote for the confirmation of John McCone as head of the Central Intelligence Agency for four reasons.

First, I believe him to be an exemplary American. Second, I consider him to be a very competent individual both in business and government. He is an excellent administrator with a proven record. Third, from my contacts with John McCone, I have always found him to be an individual of impeccable honesty and high integrity. And, fourth, a rejection of Mr. McCone at this time would be a rebuff to President Kennedy in his appointment of an individual in whom he has confidence.

I never knew John McCone until he was appointed by President Eisenhower to be the Chairman of the Atomic Energy Commission. From that day forward, through my own personal contacts with him, I found him to be a man of his word, a very able administrator, and a dedicated public servant. John McCone has never been deluded or deceived as to the Communist menace. I know that had he had his way, we would have had a resumption of underground testing long before President Kennedy was compelled to do so.

Mr. McCone is a man of character and courage. He understands the intrigue and the doubletalk of the Kremlin leaders.

I know of no man who would better head a strategic agency such as the Central Intelligence Agency with greater competence and understanding.

I realize there are those who, for reasons of their own, will, in good conscience, vote against this nomination. But, for myself, having known this man for several years on a very intimate and personal basis, I feel in my heart that the President of the United States has made an admirable choice which I, in complete confidence, can support.

With John McCone as the head of the Central Intelligence Agency, I know that the society of free men and free women can sleep a little easier tonight.

In conclusion, I reiterate what I said on January 18, 1961, without regard to this appointment, when addressing myself to John McCone on his retirement as Chairman of the Atomic Energy Commission. I then said:

It is with genuine regret that I see you leave public service, John McCone, and if I have my way about it, you won't have the luxury very long. I think this country needs you. I shall undertake to persuade somebody to persuade you to get back into the service of the country.

Mr. President, what I said on January 18, 1961, I have no cause or reason to reject now. Instead, I reiterate my great pleasure over the fact that President Kennedy has seen fit to appoint John McCone to serve in so strategic a position.

Mr. MUSKIE. Mr. President—

Mr. RUSSELL. Mr. President, I yield 2 minutes to the distinguished junior Senator from Maine.

The PRESIDING OFFICER (Mr. Hickey in the chair). The Senator from Maine is recognized for 2 minutes.

Mr. MUSKIE. I thank the Senator from Georgia.

Mr. President, I find the approaching vote a difficult one to cast. I have followed carefully the debate on Mr. McCone's nomination; I have reviewed the record. From the evidence we have before us, I cannot justify voting against confirmation; and yet as I support the appointment of a distinguished citizen, I have grave questions about the exact nature of the task he is undertaking and the operation of the Agency he will head.

As the distinguished junior Senator from Minnesota [Mr. McCARTHY] has pointed out, Mr. McCone stated that the Central Intelligence Agency would not be, in his opinion, a policymaking body. But we know from its history and by its very nature that the Agency does influence policy decisions in very critical areas of national defense and foreign relations. To avoid policy advice would require the wisdom of Solomon and the restraint of Job—and today we are not considering either of those gentlemen.

In the past, Congress has not focused sufficient attention on the delicate and critical position of the Central Intelligence Agency in our national policy structure. The Armed Services Committee did not, unfortunately, explore a number of important questions in connection with foreign policy which must occupy the attention of Mr. McCone, and which, if explored, would have provided this body with a more meaningful record on which to make a decision.

What is past is done, however. The President has expressed his confidence in Mr. McCone. There is no sufficient evidence to warrant a rejection of that confidence. The important question goes beyond the issue of Mr. McCone's nomination. That question is the future nature of the Central Intelligence Agency and the relationship of Congress to that Agency.

For these reasons, I wish to give strong endorsement to the suggestion of the distinguished Senator from Minnesota [Mr. McCARTHY] that there be established a joint committee of Congress with the specific responsibility of overseeing the operations of the Central Intelligence Agency. We have an excellent precedent in the Joint Committee on Atomic Energy; and I urge that we make use of our experience in that field in fulfilling our responsibilities as the representatives of the people of these United States.

Mr. HUMPHREY. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I am happy to yield.

Mr. HUMPHREY. I wish very definitely to associate myself with the remarks of the distinguished junior Senator from Maine. If the debate on this nomination has done nothing else, it has clearly given the Members of the Senate an opportunity to go on record in regard to this all-important and much-hoped-for development, which I trust will be consummated at this session.

Mr. MUSKIE. I thank the Senator from Minnesota.

Mr. McCARTHY. Mr. President, at this time I yield to the Senator from Arkansas [Mr. FULBRIGHT].

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, the Office of Director of the Central Intelligence Agency is unique in our Government. It is unique in that the man who holds it is entrusted with the direction of a vast organization which, though it is engaged in worldwide activities of the most sensitive nature, is not subject to the close scrutiny of its appropriations and operations customarily applied to the other agencies of or Government by Congress, by the press, and by the public. The CIA thus exerts a powerful influence on the character and conduct of our foreign relations, without being subject to the processes of consultation and review of its activities by the committees of Congress normally charged with responsibility in this area.

In this instance, neither the Committee on Foreign Relations, nor its chairman was consulted about the appointment, and the committee has not been given an opportunity to be informed with regard to the nominee's views about our relations with foreign nations, and especially about the issues involved in the cold war.

The record before the Senate reveals little, if anything, regarding the views or opinions of Mr. McCone about the fundamental policies affecting the security of our country.

In short, I do not feel that I am sufficiently informed about the convictions of this nominee regarding the foreign policy of our Government to endorse them by an affirmative vote.

Mr. McCARTHY. Mr. President, I regret to find myself in disagreement with the distinguished senior Senator from Georgia [Mr. RUSSELL] on the question of the role of the Senate in relation to the fulfillment of its constitutional obligations and traditional responsibilities. I suppose no other Member of the Senate has given more thought to the relationship of the Senate to the executive branch of the Government than he has, nor has any other Member—at least, among the contemporary group of Senators—given more thought to the question of the responsibilities of the Members of the Senate.

I wish we could be debating here the simple question of relationships and issues, and that we did not have to be dealing with a personality. However, the Constitution imposes on the Members of the Senate the responsibility of passing judgment upon both persons and issues. We have not only a government of laws, but also a government of persons.

If it were true that from now on the Central Intelligence Agency would be operated in such manner that the gathering of intelligence would be its sole function, I would have no question about supporting the confirmation of John A. McCone. Or if he were put in charge of only the intelligence-gathering operations, I would have no hesitation about supporting confirmation of his nomination. If he were appointed to be a member of the Atomic Energy Commission, I would have no hesitation about supporting his confirmation. Or if he were appointed to be Secretary of

the Air Force or Under Secretary of the Air Force, I would have no hesitation about supporting confirmation of his nomination.

However, the Senate is being asked to confirm the nomination of John A. McCone to be the Director of Central Intelligence. At the opening of the hearings, the distinguished chairman of the Armed Services Committee said:

This office is perhaps second in importance only to the office of the President.

Certainly I agree with that statement. However, Mr. President, if the head of this Agency is to have no part in policymaking, then in my judgment this office is not second in importance only to that of the President.

But because there is on the record evidence that at least in the near future the head of this Agency will be in a position to make policy, I believe his views relating to foreign policy and to other important questions, not only in regard to the operations of the Central Intelligence Agency but also in regard to some of the operations which have been carried out in the name of foreign policy, are of fundamental importance for consideration by the Members of the Senate when they are called upon to vote on the question of confirmation.

In our time there has been a revolution in weapons, in communications, in military power, and in the interdependence of nations. All of these factors have given a new dimension to international politics and to war. Even the language in the vocabulary of the past is no longer adequate. The meaning and the conduct of foreign affairs is different than it was when the Constitution was adopted and during the 19th century. The economy and political structure and weapons of other nations relate very much to our own defense. Changes taking place in other countries can lead our Nation to the edge of war or may bring us closer to a time of peace. What role is Congress to play in decisions of this nature?

Sooner or later this question will have to be the basis for a great debate. I think this is a proper time to start that debate. We need new procedures which take into account the responsibilities of Congress in this kind of world, particularly as it is affected by the different methods of cold war as well as by prospects of total war.

We are faced with world conditions when we may have to make a choice between total war and guerrilla warfare, even though we would like to reject war altogether. I believe it is the responsibility of Congress to participate in the determination of questions of this kind, particularly when the activities relate to war, whether it be hot war or cold war.

I note that 8 of the 18 paragraphs of that section of the Constitution which enumerates the powers of Congress refer to matters of defense or war or the Armed Forces.

Paragraph 1 of article I, section 8 states that Congress shall have power to provide for the common defense.

Paragraph 10 of the same section defines and punishes piracies and

felonies committed on the high seas and offenses against the law of nations.

Paragraph 11 provides that Congress shall declare war, grant letters of marque and reprisal, and make rules concerning captures on land water.

Paragraph 12 has to do with raising and supporting armies and the appropriations for that purpose.

Paragraph 13 provides for maintaining a Navy.

Paragraph 14 relates to making rules for the Government and regulation of the land and naval forces.

Paragraph 15 provides for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Paragraph 16 provides for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

The concern in this section of the Constitution is clearly indicated, I think. There is to be congressional involvement in decisions relating to the common defense in its many phases.

We are concerned here not only with passing judgment on what CIA has done and not only with passing judgment upon the performance of the nominee and other officers; we are called upon to pass on a fundamental constitutional question, but to pass upon it under most difficult historical circumstances.

I believe that in our action here in the Senate, the question of whether we trust the President or whether we are loyal to the President should not be raised. A vote against the nominee, in my judgment, could not be properly interpreted as a vote indicating lack of confidence in the President. Rather, it should reflect, and be considered to reflect on the part of each Member of the Senate who may vote against the nominee, as a vote against confirmation because of a constitutional responsibility to make a decision which runs, first, to the determination of foreign policy, and second, to a very special responsibility about the confirmation of a nominee appointed by the President for a position which the Chairman of the Armed Services Committee has described as perhaps the second most important office in the land, next to the President.

Each Member of the Senate should ask himself this question: whether or not, if his vote were to determine whether this nominee would be approved, he would vote for him; and if he is satisfied under those conditions that he would vote for the nominee, he should do so. If he is satisfied under those conditions that he would not vote for him, he should vote against confirmation.

Having considered these questions as best I can, I have concluded that I will vote against the confirmation.

Mr. RUSSELL. Mr. President, I yield 3 minutes to the distinguished minority whip, the Senator from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, perhaps no citizen among all our countrymen brings more unique or greater qualifications to his heavy new responsibilities than does John McCone. John

McCone is an American citizen who has succeeded in the business world and who, as his success continued, amassed a reputation for honor, integrity, courage, ability, and civic virtue among all of those who knew him, particularly those who knew him best. Here, Mr. President, is a sterling citizen, an undeviating patriot, a splendid executive, preeminently qualified to perform excellent service in the vital responsibility for which President Kennedy has chosen him.

Under Democratic administrations and under Republican administrations, John McCone has served the people of the United States, as has been said, in the Pentagon, in the Air Force, in the Department of Defense, in the State Department, in special missions for the Chief Executive of our country, and last, but certainly not least, as Chairman of the Atomic Energy Commission. And it seems to me of transcendent relevance, my fellow Senators, that when the roll is called, every member of the Joint Committee on Atomic Energy who sits in the Senate will cast his vote in favor of this nominee. They know him far better than most of my colleagues here.

Mr. President, it has been suggested that every Senator weigh carefully his responsibility. I agree. I have weighed mine, and I believe it would be in the interest of the security of the American people if the nominee of the President of the United States were given a unanimous endorsement in this Chamber.

Discussion and debate have been had here as to policy decisions of the CIA. I agree with the able Senator from Georgia. The Central Intelligence Agency Director will serve the Chief Executive of this country. He will do that which the President of the United States asks him to do no more and no less. He will serve a function indispensable to the security and the defense of this country. And I, for one, think that the appointment which has been made by the Chief Executive of our country does high credit to him, as well as to the nominee whose name is before us at the present time.

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

Mr. RUSSELL. Mr. President, I yield 3 minutes to the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. SALTONSTALL. Mr. President, I listened with considerable surprise to the reasons given by the Senator from Arkansas [Mr. FULBRIGHT] for his intention to vote against Mr. McCone. I say that because I have the utmost respect for the Senator from Arkansas as chairman of the Committee on Foreign Relations. He has stated he will vote against Mr. McCone because he does not know what his views on foreign policy are.

As I said before, if I knew what the views of Mr. McCone were on foreign policy in detail, and if he had spelled them out, I would be hesitant to vote in favor of his nomination.

Inside the United States we have the FBI. We have a very distinguished leader of that organization, Mr. J. Edgar

Hoover. One would not ask Mr. Hoover for his opinion on certain policies, and so forth. He would be asked to get the facts. The same thing applies with relation to the CIA and the Director of it. It is his job to get the facts and evaluate them; to present them almost daily to the President of the United States, the Secretary of Defense, the Secretary of State, and other officials of the U.S. Government. It is not his duty to decide what the Government should do with relation to those facts. It is his job to get the facts and present them so that they are in understandable, clear form, and then the policies are determined by the President of the United States and his Cabinet officers.

I believe Mr. McCone is highly qualified to render the service he has been chosen to discharge. He has received appointments under three different Presidents; President Truman, President Eisenhower, and now President Kennedy. He has received other appointments. I hope the nomination will be confirmed.

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

Mr. McCARTHY. Mr. President, I have no further requests for time.

The PRESIDING OFFICER. Does the Senator yield back his remaining time?

Mr. McCARTHY. I yield back the remainder of my time.

Mr. RUSSELL. Mr. President, I do not regard this to be an appropriate occasion to discuss further the functions of the Central Intelligence Agency. I repeat what I said about the Central Intelligence Agency not being within the field of making foreign policy.

I was somewhat surprised when the distinguished Senator from Arkansas said that because he did not know the nominee's views on the details of foreign policy he would not support his nomination. I would say it would be as logical for a member of the Armed Services Committee to say that because he had not examined or did not know in detail the views on foreign policy of the Secretary of State or one of his assistants that he could not support a nominee, because certainly their views on foreign policy would have a direct bearing on the military strength necessary for these United States to maintain.

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

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. I think the Senator will recall I tried to emphasize that this particular position is unique. I would not have the slightest hesitancy in approving the appointment of Mr. McCone, for example, to be Secretary of State. This is a position subject to review by the committees and by the press. The Secretary of State is subject to constant review and exposure to criticism and comment by nearly everybody. He comes before our committee in open session, in executive session, and so on.

In my opinion this particular position is unique in the Government. I have not approved of the way it has been conducted for years. I joined the distinguished majority leader some years ago

in trying to set up a special committee comparable to the Joint Committee on Atomic Energy. That failed because of the vigorous opposition of the then leader or director of the CIA. This operation is covert. I would much prefer that the President take full responsibility and not ask us to affirm it unless I know something about the nominee's views. I base my position entirely upon the character of the office, because there is no other office comparable to it.

To say that the position is comparable to that of Secretary of State or Secretary of Labor or to any other I think misconstrues what is my position.

I deny that this office does not have a very major influence upon policy. To state that this is merely a factfinding organization, in my opinion, is not in accord with the facts as I know them.

Mr. RUSSELL. Mr. President, the difference between the Senator from Arkansas and me is very wide in this instance.

There is a review by committees. We had some six or seven hearings last year, including appropriations hearings, on the Central Intelligence Agency. The Senator's complaint seems to be it is not all under his committee and he and his committee do not hear the evidence.

The Senator says that the Secretary of State goes through hearings and has to go before the press and has to appear at public hearings. If the time ever comes when the Central Intelligence Agency is compelled to answer all of these questions in open hearings, and the information is disseminated throughout the world, the harm to our national security would be almost incalculable.

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

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

Mr. RUSSELL. I have no more time. The PRESIDING OFFICER. All time for debate has expired.

Mr. RUSSELL. Mr. President, I ask for the yeas and nays.

Mr. HUMPHREY. I join in the request for the yeas and nays, Mr. President.

The yeas and nays were ordered. Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is, Will the Senate advise and consent to the nomination of John A. McCone, of California, to be Director of Central Intelligence. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. MORSE]. If he were present, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. PELL (when his name was called). On this vote I have a pair with the senior Senator from Pennsylvania [Mr. CLARK]. If he were present, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois [Mr. DOUGLAS], the Senator from Louisiana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from Montana [Mr. MANSFIELD], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

On this vote, the Senator from Illinois [Mr. DOUGLAS] is paired with the Senator from Indiana [Mr. HARTKE]. If present and voting, the Senator from Illinois would vote "nay," and the Senator from Indiana would vote "yea."

I further announce that, if present and voting, the Senator from Florida [Mr. SMATHERS], the Senator from Louisiana [Mr. ELLENDER], the Senator from Montana [Mr. MANSFIELD], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Oklahoma [Mr. MONRONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BUTLER], the Senator from Kentucky [Mr. COOPER], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent on official business.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on official business to attend the Eighth Meeting of Consultation of Ministers of Foreign Affairs of American States.

If present and voting, the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Kentucky [Mr. COOPER], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Iowa [Mr. HICKENLOOPER] would each vote "yea."

The result was announced—yeas 71, nays 12, as follows:

[No. 7 Ex.] YEAS—71

- | | | |
|------------|--------------|----------------|
| Alken | Gore | Moss |
| Allott | Hart | Mundt |
| Anderson | Hayden | Murphy |
| Bartlett | Hickey | Muskie |
| Beall | Hill | Pastore |
| Bennett | Holland | Prouty |
| Bible | Hruska | Randolph |
| Boggs | Jackson | Robertson |
| Bush | Javits | Russell |
| Byrd, Va. | Johnston | Saltonstall |
| Cannon | Jordan | Scott |
| Carlson | Keating | Smith, Mass. |
| Carroll | Kefauver | Sparkman |
| Case, N.J. | Kerr | Stennis |
| Church | Kuchel | Symington |
| Cotton | Long, Mo. | Talmadge |
| Curtis | Long, Hawaii | Thurmond |
| Dirksen | Long, La. | Tower |
| Dodd | Magnuson | Wiley |
| Dworshak | McClellan | Williams, N.J. |
| Eastland | McGee | Williams, Del. |
| Engle | McNamara | Yarborough |
| Ervin | Miller | Young, N. Dak. |
| Fong | Morton | |

NAYS—12

- | | | |
|---------------|----------|--------------|
| Burdick | Gruening | Neuberger |
| Byrd, W. Va. | Lausche | Proxmire |
| Case, S. Dak. | McCarthy | Smith, Maine |
| Fulbright | Metcalf | Young, Ohio |

NOT VOTING—16

- | | | |
|----------|--------------|----------|
| Butler | Ellender | Monroney |
| Capehart | Goldwater | Morse |
| Chavez | Hartke | Pell |
| Clark | Hickenlooper | Smathers |
| Cooper | Humphrey | |
| Douglas | Mansfield | |

So the nomination was confirmed.

Mr. HUMPHREY. Madam President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Without objection, the President will be notified forthwith.

THE LEGISLATIVE PROGRAM—ADJOURNMENT FROM TODAY TO FRIDAY

Mr. HUMPHREY. Madam President, I should like to announce on behalf of the leadership that it is our intention at the conclusion of business today to move that the Senate convene on Friday. It is our hope to be able to begin the debate on the so-called college classroom bill on Friday. The Senator from Oregon [Mr. MORSE] will have returned from Punta del Este by that time, and he will be able to lead off the debate on that important measure.

On Monday, we hope to be able to complete consideration of the college classroom bill. If so, we will then proceed to the consideration of the various committee money resolutions, which have been reported by the Committee on Rules and Administration. I make the announcement so that Senators will have some indication of the work that lies ahead for the week end and for Monday and Tuesday of next week.

VISIT TO THE SENATE BY PER FEDERSPIEL, PRESIDENT OF THE CONSULTATIVE ASSEMBLY OF THE COUNCIL OF EUROPE

Mr. KEFAUVER. Madam President, it is my honor and high privilege to introduce to the Senate a distinguished member of the Danish Parliament, the President of the Consultative Assembly of the Council of Europe, the Hon. Per Federspiel. [Applause, Senators rising.]

Mr. JAVITS. Madam President, I wish to add my welcome to that of the Senator from Tennessee to the Hon. Per Federspiel, the president of the Consultative Assembly of the Council of Europe. He has been the host of many of us in Europe. He represents one of the most auspicious agencies for European unity which exists in a parliamentary sense. He is a great leader. Therefore I wish to express my pleasure and honor at having him in the Chamber.

EXECUTIVE PROGRAM ESTATE TAX CONVENTION WITH CANADA, INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES, INTERNATIONAL CIVIL AVIATION

Mr. HUMPHREY. Madam President, I wish to make an announcement for the information of the Senate. I hope Senators will remain in the Chamber so that we may have a yea-and-nay vote

on and, I hope, approval of the three treaties which are now pending on the Executive Calendar. I will ask the Senator from Alabama [Mr. SPARKMAN] who, I believe, is handling these treaties, if there is any objection to voting on these treaties en bloc, and of course this inquiry applies to every Senator. I mention this point because the treaties cover separate items. I understand there was no controversy over any of them and no opposition to any of them. Would the Senator from Alabama mind giving his response?

Mr. SPARKMAN. The statement of the acting majority leader is correct. There was no opposition. Personally, I have no objection to the treaties being voted on en bloc. However, I do believe it ought to be understood that the subject matter is different in the three treaties. I mean by that that no two of them treat the same subject. One has to do with taxes; another treats of fisheries; the third deals with aviation. I wish it clearly understood that the subject matters are different. However, there has been no opposition voiced to them before the committee or since they have been pending on the Executive Calendar.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. HOLLAND. I should like to ask the Senator from Alabama if in any one of these three treaties there is any waiver of the provisions of the so-called Connally reservation.

Mr. SPARKMAN. No; there is not.

Mr. HOLLAND. I thank the Senator.

Mr. HUMPHREY. In order that there may be no doubt as to the action we will take, in line with the explanation given by the Senator from Alabama [Mr. SPARKMAN], I ask unanimous consent that the treaties on the Executive Calendar, which will be before the Senate in a moment, be voted on en bloc.

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

Mr. HUMPHREY. Of course, there will be a yea-and-nay vote on the treaties.

Mr. RUSSELL. Madam President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. RUSSELL. Does the Senator anticipate any opposition? Representatives of the Navy Department have been waiting in the Armed Services Committee room for more than an hour now.

Mr. HUMPHREY. We will have a yea-and-nay vote. I anticipate no opposition to any one of these treaties.

Mr. RUSSELL. If opposition does develop, will the Senator call me?

Mr. HUMPHREY. Yes.

Mr. RUSSELL. I thank the Senator.

Mr. DIRKSEN. Madam President, I wonder if the acting majority leader would be good enough to ask unanimous consent that action on each treaty be shown separately in the RECORD, by showing the supporting yea-and-nay vote for each treaty, so that an adequate record may be made.

Mr. HUMPHREY. I ask unanimous consent that that may be done.

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

Mr. HUMPHREY. We will vote promptly on these treaties.

Madam President, I ask unanimous consent that the Senate now proceed to the consideration of the treaties.

The PRESIDING OFFICER. Is there objection?

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the following conventions and protocol:

CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON THE ESTATES OF DECEASED PERSONS

The Government of the United States of America and the Government of Canada, desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons, agree as follows:

ARTICLE I

1. The taxes referred to in this Convention are:

(a) for the United States of America: the Federal estate tax;

(b) for Canada: the estate tax imposed by the Government of Canada.

2. The present Convention shall also apply to any other taxes of a substantially similar character imposed by either contracting State subsequent to the date of signature of the present Convention.

ARTICLE II

Where a person dies a citizen of the United States of America or domiciled in the United States of America or Canada, the situs of any rights or interests, legal or equitable, in or over any of the following classes of property, which for the purposes of tax form or are deemed to form part of the estate of such person or pass or are deemed to pass on his death, shall, for the purposes of the imposition of tax on the basis of situs of property within the taxing State and for the purposes of the credit to be allowed under Article V, be determined exclusively in accordance with the following rules, but in cases not within such rules the situs of such rights or interests shall be determined for these purposes in accordance with the laws in force in the other contracting State:

(a) immovable property (except any right or interest therein by way of security) shall be deemed to be situated at the place where such property is located;

(b) tangible movable property (except any right or interest therein by way of security and except any tangible movable property for which specific provision is made in any subsequent paragraph of this Article), and, in any case, bank or currency notes and other forms of currency recognized as legal tender in the place of issue, shall be deemed to be situated at the place where such property was located at the time of death, or, if in course of transit at that time, at the place of intended destination;

(c) debts whether secured or unsecured and whether under seal or otherwise (including bills of exchange and promissory notes, whether negotiable or otherwise, but not including any form of indebtedness for which specific provision is made in any subsequent paragraph of this Article), shall be deemed to be situated at the place where the debtor was ordinarily resident at the time of death, or, where the debtor is a company, then at the place where the company is incorporated;

(d) deposit accounts with a bank, trust company, loan company, or other similar institution shall be deemed to be situated at the place where the institution or branch thereof in which the account was kept is located;

(e) securities of or guaranteed by any government or municipality shall be deemed to be situated.

(f) if in bearer form, at the place where located at the time of death, or

(g) if inscribed or registered, at the place where inscribed or registered by the issuer;

(h) shares, stocks, bonds, debentures, and debenture stock of a company, and rights to subscribe for or purchase shares or stock of a company (including any such property held by a nominee, whether the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place where the company is incorporated;

(i) money deposited to the credit of the deceased with an insurance company, money payable under a policy of insurance effected on the life of the deceased or payable under an annuity contract in respect of the death of the deceased, and any policy of insurance or annuity contract in which the deceased had an interest shall be deemed to be situated at the place where the deceased was domiciled at the time of his death;

(j) shares in a partnership shall be deemed to be situated at the place where its business is principally carried on;

(k) ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft;

(l) good-will of a business, trade or profession shall be deemed to be situated at the place where the business, trade or profession is principally carried on;

(m) patents, trade-marks and designs shall be deemed to be situated at the place where they are registered;

(n) copyright, franchises, and rights or licenses to use any copyrighted material, patent, trade-mark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable;

(o) rights ex delicto or causes of action ex delicto surviving to the benefit of the estate of any deceased or his legal representative shall be deemed to be situated at the place where such rights or causes of action arose, and other rights or causes of action so surviving shall be deemed to be situated at the place where, at the time of the death of the deceased, the person against whom the right or cause of action is enforceable was ordinarily resident, or, if a company, then at the place where the company is incorporated;

(p) judgment debts shall be deemed to be situated at the place where the judgment is recorded; and

(q) superannuation and pension benefits payable or granted on or after the death of the deceased in respect thereof shall be deemed to be situated at the place where the deceased was domiciled at the time of his death;

provided that this Article shall not be construed so as to increase the tax imposed by either contracting State.

ARTICLE III

1. Allowance for debts shall be determined in accordance with the laws of the contracting State imposing the tax.

2. Where a contracting State imposes tax by reason of a decedent being domiciled therein or being a citizen thereof, no distinction shall be made between organizations created in that State and organizations created in the other contracting State in the allowance of any deduction authorized by its statute for a bequest, legacy, devise, or transfer made for exclusively religious, charitable, scientific, literary, or educational purposes.

3. Domicile shall be determined in accordance with the laws of the contracting State imposing the tax on the basis of domicile.

ARTICLE IV

1. Where the United States imposes tax solely by reason of the property being situated therein, the United States shall, if the decedent was domiciled in Canada,