

break down and tears come to his eyes during his report on the Berlin Conference were not Democrats. Now about the gentleman from Minnesota comparing this situation to Mr. Averell Harriman—and let me state right here that I am not a great admirer of Mr. Harriman, but the circumstances are not comparable, because Mr. Harriman was holding the position that Mr. Stassen now holds and I do not think there is anyone on this side of the House who wants to gag Mr. Stassen. He is in a position of Cabinet rank and he has a perfect right, as I see it, to go around making any kind of political speech he wants and to defend himself against attacks which are made against him not by Democrats, if you please, but by people who are supposed to be of the same political party that he is.

But the amendment offered by the gentleman from Michigan is aimed at doing what needs to be done, I do not care whether it is a Republican administration or a Democratic administration, security officers should be kept from engaging in politics, and I think it especially needs to be done, since it has been proved conclusively that some of them did not tell the truth, will not tell the truth, and do not know the truth when they see it.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, it would have been much better if the gentleman from New York [Mr. COUDERT] had confined himself to the amendment and not extended his remarks to the full extent that he did. I am going to talk on the broader implications involved in the gentleman's remarks rather than discuss the amendment itself.

I happen to occupy a position of leadership in the Democratic Party. For 10 out of the last 13 years I was the majority leader of this House, and now I am the Democratic whip. I have attended many important conferences during the past year. I have seen no Democrat who criticized or embarrassed Secretary Dulles or President Eisenhower. We have discussed merits but never engaged in personalities.

I was present at the meeting that took place when Secretary Dulles returned from his hard ordeal in Berlin. I could visualize what he had gone through by asking myself: "John McCormack, suppose you were Secretary of State; what would have been your thoughts? What would have been the ordeal you went through, knowing the situation of the world as it is today?"

There were no Democrats who criticized Secretary Dulles, I am informing the gentleman from New York [Mr. COUDERT]—and I am not attributing his remarks to any other one of my Republican friends, I want that distinctly understood—this is the time to withhold many words. There is the courage of action, but there is also the courage of silence. Sometimes it takes a lot of courage to be silent, and this is the time when we should stop, look, and listen, and ponder long before we make intemperate attacks upon either of the great political parties as such.

I have not seen any Democrat make any critical statement about Secretary Dulles in relation to the Berlin conference. I made a few guarded remarks yesterday, but no criticism. I felt that under the circumstances he did the best he could, not what he wanted to do, but under the circumstances he did the best he could so far as the Berlin conference is concerned; that he was faced with a probable blowup unless he agreed to the Geneva conference. I could see that. He had the situation in Indochina confronting him as well as other countries; and also the division of public opinion in other countries friendly to us, in some of which the Communist forces are very strong. I could see all of that. I did not necessarily have to agree with the Secretary to refrain from criticizing him and making his job more onerous.

So when the statement is made, and I assume it does not represent the Republican view, that the Democrats are trying to injure the State Department because of the offering of this amendment by the gentleman from Michigan, that statement is completely inconsistent with the facts.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. COUDERT. If the gentleman is so well satisfied with the Secretary of State—

Mr. McCORMACK. I did not say that, did I? Do not put into my mouth words I did not say.

Mr. COUDERT. Well, I was merely attempting to construe what the gentleman meant.

Mr. McCORMACK. I did not say I was satisfied with him. Do not put into my mouth words. The gentleman is raising another question he did not raise previously because the gentleman is trying to raise the question whether or not I am satisfied. I am not talking on the question of satisfaction or dissatisfaction. I specifically say I am not dissatisfied yet.

Mr. COUDERT. If the gentleman is not dissatisfied with the conduct of foreign affairs by the Secretary of State—

Mr. McCORMACK. I did not say that. I said I am not dissatisfied yet with the Secretary of State. The gentleman says "conduct of foreign affairs." Do not put into my mouth words I did not say. My friend from New York is very adroit, and the gentleman from Massachusetts may be lacking in mental ability, but the gentleman from Massachusetts is capable of understanding some things the gentleman from New York says; furthermore to a slight extent the gentleman from Massachusetts can penetrate his mind.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALLECK. Mr. Chairman, reserving the right to object, and I am not going to object, I will say to the gentle-

man from Massachusetts, but we have been at this a considerable time and there are three other matters we want to dispose of. I am going to make a suggestion.

Mr. McCORMACK. Will the gentleman yield?

Mr. HALLECK. I am not going to object.

Mr. McCORMACK. I withdraw my request, Mr. Chairman, because I have said all I intended to say and I think a prolongation of it would not be for the best interests of the situation because the gentleman from New York is trying to be, kindly and friendly to say the least, provocative.

Mr. TABER. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ROONEY. Mr. Chairman, reserving the right to object, I have an amendment to the Clerk's desk.

Mr. TABER. Is it an amendment to the pending amendment?

Mr. ROONEY. Oh, no. It is another amendment.

Mr. TABER. I only asked unanimous consent with reference to this particular amendment.

Mr. ROONEY. Mr. Chairman, I withdraw my reservation of objection.

Mr. HALLECK. Mr. Chairman, reserving the right to object in order to make a statement, and I am certainly not going to object, I note at the desk there are 3 amendments. It occurred to me that after we have disposed of the pending amendment we could have a limitation of 30 minutes, which will give 5 minutes to a side on each of the amendments, then we can dispose of this matter.

Mr. JUDD. Mr. Chairman, I want 5 minutes to ask certain questions in reference to the interpretation of some language in the bill.

Mr. HALLECK. Then it would have to be 35 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

Mr. TABER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I wonder just exactly what will be in the minds of the Members as they approach this vote. This is a proposed limitation on an appropriation bill which would prevent the payment of salary to the holder of a certain position who is legally in office.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. RABAUT. I do not think that is true.

Mr. TABER. I am sorry if the gentleman thinks so. I think he ought to read it.

Mr. RABAUT. The amendment simply says that he comes under the Hatch Act.

Mr. TABER. Well, if that is it, the point of order should have been sustained.

Mr. RABAUT. It was not sustained, and it is so.

Mr. TABER. If it is so, the gentleman is now admitting that his amendment is entirely out of order.

Mr. RABAUT. No; I am not admitting my amendment is entirely out of order.

Mr. TABER. Well, I do not see any other possible construction.

Mr. RABAUT. The only thing it does is stop him from making speeches. It lets him hold his position as a security officer.

Mr. TABER. Now, let me tell you what this does. This stops the payment of any wage or salary of any officer or employee of the Bureau of Security and Consular Affairs who, for the purpose of this act, shall not be included within the construction of the term "officer" or "employee." I do not know what else you call it. Anyway, by this kind of an amendment, if it prevails, you stop the payment of the salary out of this appropriation. Such an amendment, if it changed the Hatch Act, would be out of order, and it would not be proper. The officer who is legally installed could go to the Court of Claims and collect his salary. That is how good this amendment is. I do not believe that the House of Representatives wants to indulge in that kind of legislation. I hope that this amendment will be defeated. I believe also that the Secretary of State, having given a particular construction as to what the meaning of the language was as to this Department, should be sustained by the House.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Connecticut.

Mr. MORANO. As a matter of fact, the amendment does not mean anything because if the Secretary of State again decided that this man was in a position that did not come under the Hatch Act, he could continue to work and draw his pay just the same.

Mr. TABER. Right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CLEVENGER and Mr. RABAUT.

The Committee divided; and the tellers reported that there were—ayes 61, noes 84.

HOUSE

es appropriation bill; that it changes existing law at and requires new and additional duties.

l: The CHAIRMAN. Does the gentleman from Michigan desire to be heard?

ce, Mr. RABAUT. Yes, Mr. Chairman. I cite volume VII, Cannon's Precedents, section 1663 and section 1670:

1. Denial of use of an appropriation for payment of salaries or employees of the Department of Agriculture who forecast the price of agricultural products was construed as a proper limitation and in order on an appropriation bill.

The Chairman at that time, March 2, 1923, Allen T. Treadway, of Massachusetts, relied on prior decisions of Chairmen of the Committee of the Whole, Mr. Graham, of Illinois, in 1924, and Mr. Longworth, of Ohio, in 1923, and held such a limitation proper and not subject to point of order.

2. An amendment forbidding payment of salary authorized by law from any part of an appropriation to a designated individual was held to be a limitation and in order on an appropriation bill.

The CHAIRMAN. Does the gentleman from New York desire to be heard?

Mr. TABER. I do, Mr. Chairman.

This amendment, Mr. Chairman, refers to the so-called Hatch Act, section 118i, of title V of the Code. It reads as follows:

For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the Office of the President (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws. The provisions of the second sentence of this subsection shall not apply to the employees of the Alaska Railroad.

This provision in effect brings about the prohibition of payments to these employees who are not determined to be officers or employees within the provisions of this paragraph of section 118. It requires a determination on the part of some officer before the thing can be effective. For that reason, it requires additional duties to be performed by some officer before it can be effective. Therefore, it is subject to the rule that it requires additional duties, and it is an attempt on the part of the amendment to change and enlarge the provisions of that section.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard further?

Mr. RABAUT. Mr. Chairman, in House Report No. 1365, 82d Congress, relative to H. R. 5678, the McCarran-Walter bill, it is stated on page 36:

The Bureau of Security and Consular Affairs, section 104, creates a new organizational setup within the Department of State to administer the issuance of passports and visas. There will be a responsible authority in the Department of State of rank and power corresponding to the Commissioner of Immigration and Naturalization and to the Director of the Federal Bureau of Investigation—

Mr. J. Edgar Hoover— and the Central Intelligence Agency—

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. BUSBEY]. The amendment was rejected.

Mr. RABAUT. Mr. Chairman, I offer an amendment.

The Clerk read as follows: Amendment offered by Mr. RABAUT: At page 52, after line 19, add the following new section:

"Sec. 604. No part of any appropriation contained in this act shall be used to pay the salary or wages of any officer or employee of the Bureau of Security and Consular Affairs of the Department of State who, for the purposes of the act of August 2, 1939, as amended (5 U. S. C. 118i), shall not be included within the construction of the term 'officer' or 'employee'."

Mr. TABER. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appro-

did not do it. It was the act of someone to be charitable—nitwit who wanted to stir up trouble.

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Mr. Dulles—  
all of whom are to collaborate in the interests of national security.

Is it the contention of anybody here that we would want, for instance, Mr. J. Edgar Hoover going around the country making political speeches?

The CHAIRMAN. That is just an observation. It does not go to the point of order.

Mr. RABAUT. I know; but I have raised the point of order, Mr. Chairman, and I would like a ruling from the Chair.

The CHAIRMAN. The Chair is prepared to rule.

This amendment in brief provides that no part of any appropriation contained in this act shall be used to pay the salary or wages of any officer or employee of the Bureau of Security and Consular Affairs who shall not be included within the construction of the term "officer" or "employee."

It appears to the Chair that the contention of those who make the point of order is answered by this provision in Hinds' Precedents, volume IV, section 3954:

A provision that no part of an appropriation for pay of retired Army officers should go to one receiving pay for services as a civil employee was held to be a limitation.

Likewise we have a similar expression in Cannon's Precedents, volume VII, section 1651, which contains the provision that no part of an appropriation shall be allotted to a beneficiary failing to comply with certain requirements. That provision was held in order as a proper limitation on an appropriation bill. With those two precedents the Chair is constrained to overrule the point of order, and the Chair so rules.

The point of order is overruled.

Mr. RABAUT. Mr. Chairman, I am offering this amendment to make clear the intent of Congress when it established the Bureau of Security and Consular Affairs through the passage of H. R. 5678, the Immigration and Nationality Act of 1952, Public Law 414. There is nothing punitive about this amendment. It in no way refers to prior political activities of the individuals concerned. The State Department has vacillated in its reasoning, but steadily held the conclusion that the Director of the Bureau is not subject to the prohibition against political activity contained in the Hatch Act. The Civil Service Commission has at least informally indicated to the contrary. Such confusion about the nature of this important office should be cleared up. House Report 1365 of the 82d Congress on the bill H. R. 5678 described this authority in the Department of State as having rank and power corresponding to the Commissioner of Immigration and Naturalization and to the Director of the Federal Bureau of Investigation and the Central Intelligence Agency. I am sure no Member of the House would deem it proper for FBI Director J. Edgar Hoover, or the CIA Director, Allen Dulles, to go charging about the country making political speeches in the manner of Mr. McLeod. My amendment makes it perfectly clear that Congress intended these two officials to be in the same category in this

respect. Politics is not and should not be the province of these officers to whom we have entrusted the guardianship of the national security. For this reason I present my amendment and hope the House will support it.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. JUDD. May I ask if the gentleman made a speech similar to this when the former administrator of the ECA, Mr. Averell Harriman, went about the country making violently partisan political speeches?

Mr. RABAUT. Perhaps it was the prerogative of the gentleman from Minnesota to make a speech at that time.

Mr. JUDD. I would just like to know whether the gentleman from Michigan was as disturbed then about improper political activity by these officers, as he is now?

Mr. RABAUT. I said that I am not making a political football out of this. I will ask the gentleman, does he think it would be a proper thing if J. Edgar Hoover went running around the country making political speeches?

Mr. JUDD. No, I am talking about Averell Harriman.

Mr. RABAUT. That is not the point that I am making here.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. PRICE. I think the gentleman might point out that Mr. McLeod and Mr. Averell Harriman did not hold similar positions.

Mr. JUDD. I beg the gentleman's pardon.

Mr. PRICE. There is no comparison in the positions.

Mr. JUDD. The position of Averell Harriman is a far more important position and he is sent around the world as the representative of the United States, and yet he made, for example, at Houston, Tex., a violently partisan attack.

Mr. PRICE. Mr. McLeod was a security officer in the Department of State. He was in charge of personnel. I think it would not be fitting in his job to participate in partisan politics.

Mr. JUDD. Do you think it was fitting that Mr. Harriman should do what he did?

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. HAYS of Ohio. I would say to the gentleman your amendment does not limit the boy wonder from Minnesota from going around making speeches, the present ECA administrator who is making partisan speeches. He has the same job. This is an entirely different situation.

Mr. RABAUT. My amendment deals with security officers of the United States, and I do not think there is anybody in the House of Representatives who ought to be opposed to it.

At this time I should like to read the Hatch Act provision—Title 5, United States Code, section 1181:

For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and

Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws.

This is a clear case. I hope the House will not ascribe a political purpose to this, but look at it from the angle from which it deserves to be looked at, and vote for the amendment.

Mr. COUDERT. Mr. Chairman, I rise in opposition to the amendment.

I do not think it need take very long to state the position of the committee on this amendment. I am pretty sure that every Member of the House understands the character of this amendment, the purpose of this amendment and what is back of it. It is nothing more nor less than another attempt, purely partisan attempt, by the gentlemen on the other side to discredit the State Department, presently under a Republican President and a Republican Secretary of State. There is nothing else to it than that.

Last year these gentlemen attacked and knocked out of a bill, this bill, a provision that they themselves had incorporated for the benefit of Democratic Secretaries of State, to-wit: the power to fire. As soon as we get a Republican President and a Republican Secretary of State, we get the ripper tactics to knock out the very provision that was put in for the benefit of Democratic Secretaries; but it is too good for a Republican Secretary.

Now we have this very curious situation here where there is a ruling as to a relatively minor official of the State Department by the responsible heads—presumably the Secretary himself—that this individual is not subject to the limitations of the Hatch Act. So here comes one of our Members, a Democratic Member, and seeks to reverse, by the action of this House, the administrative determination of that Secretary.

Mr. Chairman, are we going to undertake to manage the State Department, and on our side of the aisle are we going to permit the Democratic minority to manage the State Department while we are sitting in majority on this side? Oh, no, Mr. Chairman. This amendment must be knocked out. It is purely partisan. There is no purpose in it except to injure and discredit the State Department. There is no merit to it. It should be voted down.

Mr. HAYS of Ohio. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I think the gentleman from New York [Mr. COUDERT] is completely misinterpreting the intent of this amendment. I am sure you will agree with that from his opening statement, where he said that this is an attempt on the part of the Democrats to discredit the State Department under the present administration. All of the attempted discrediting of the State Department that I have noticed lately has not come from the Democrats. According to the press those people who made Dulles