IN THE MARINE CORPS

The following-named Marine Corps Reserve officers for permanent appointment to the grade indicated in the Marine Corps, subject to qualifications therefor as provided by law:

To be second lieutenants

John J. Caldas, Jr.	David H. Murch
Donald S. Carr	John A. Schuyler
William G. Ficere, Jr.	Lionel V. Silva
Robert A. Freeman	Gordon D. Strand
Donald J. Hatch	Everett L. Tunget
Richard B. Hohman	Norman H. Vreeland
Brian C. Kelly	Dwayne E. T. Wilson
James A. McCarty	

The following-named Marine Corps officer for permanent appointment to the grade indicated in the Marine Corps, subject to qualifications therefor as provided by law:

To be chief warrant officer, W–3

Cedric A. Fevurly

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 20, 1956

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal and ever-blessed God, through Thy grace and power our forefathers gained the freedom and the liberties which we now enjoy as a priceless heritage.

Grant that we and all succeeding generations may preserve and perpetuate those blessings in righteousness and in honor.

We humbly acknowledge that again and again, in our domestic affairs and foreign relations, we find it necessary to make decisions which seem to involve tremendous risks.

God forbid that we should ever hesitate or be afraid to take the adventurous ways of faith and follow Thy leading.

Inspire us daily to wait upon the Lord and be of good courage for where Thou dost guide Thou wilt provide.

Hear us in the name of the Captain of our Salvation. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 5519. An act to authorize and direct the Secretary of the Army to convey certain tracts of land in El Paso County, Tex., to the city of El Paso, Tex., in exchange for certain lands to be conveyed by the city of El Paso, Tex., to the United States Government;

H. R. 8047. An act granting authority to the Secretary of the Army to renew the license of the Ira D. MacLachlan Post, No. 3, the American Legion, Sault Sainte Marie, Mich., to use a certain parcel of land in St. Marys Falls Canal project;

H. R. 9081. An act to direct the Secretary of the Army or his designee to convey a 3-acre tract of land situated about 6 miles south of the city of San Antonio, in Bexar County, Tex., to the State of Texas;

H. R. 9801. An act to authorize and direct the Panama Canal Company to construct, maintain, and operate a bridge over the Panama Canal at Balboa, Canal Zone.

H. J. Res. 549. Joint resolution granting the consent of Congress to the State of New York to negotiate and enter into an agreement or compact with the Government of Canada for the establishment of the Niagara Frontier Port Authority with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, N. Y., and the city of Fort Erie, Ontario, Canada;

H. J. Res. 604. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the United States World Trade Fair to be held in New York, New York, from April 14 to April 27, 1957, and in the Oklahoma Semi-Centennial Celebration to be held in various communities in the State of Oklahoma from January 1 to December 31, 1957; and

H. J. Res. 664. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the American International Institute for the Protection of Childhood and authorizing an appropriation therefor.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 11947. An act to amend and extend the Renegotiation Act of 1951.

The message also announced that the Senate insists upon its amendments to the foregoing bill, and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. GEORGE, Mr. KERR, Mr. MILLIKIN, and Mr. MARTIN of Pennsylvania to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3903) entitled "An act to amend the Agricultural Trade Development and Assistance Act of 1954, as amended, so as to increase the amount authorized to be appropriated for purposes of title I of the act, and for other purposes"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. JOHNSTON of South Carolina, Mr. HOLLAND, Mr. AIKEN, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5881) entitled "An act to supplement the Federal reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 849) entitled "An act to provide assistance to certain non-Federal institutions for construction of facilities for research in crippling and killing diseases such as cancer, heart disease, poliomyelitis, nervous disorders, mental illness, arthritis, and rheumatism, blindness, cerebral palsy, tuberculosis, multiple sclerosis, epilepsy, cystic fibrosis, and muscular dystrophy, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2182) entitled "An act for the relief of the city of Elkins, W. Va."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3073) entitled "An act to provide for an adequate and economically sound transportation system or systems to serve the District of Columbia and its environs, and for other purposes."

THE SUPPLEMENTAL APPROPRIATION BILL, 1957

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H. R. 12138, the supplemental appropriation bill, 1957.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1957

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tonight to file a privileged report on the second supplemental appropriation bill, 1957.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TABER. Mr. Speaker, I reserve all points of order on the bill and I ask unanimous consent that the minority may have until midnight tonight to file minority views upon the bill and that the report be printed with the majority report.

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

There was no objection.

CITY OF ELKINS, W. VA.

Mr. FORRESTER. Mr. Speaker, I call up the conference report on the bill (S. 2182) for the relief of the city of Elkins W. Va., and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2759)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2182) entitled, "An Act for the relief of the city of Elkins, West Virginia," having met, after full

and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to the same.

E. L. FORRESTER,
HAROLD D. DONOHUE,
WILLIAM E. MILLER,
Managers on the Part of the House.
PRICE DANIEL,
JOSEPH C. O'MAHONEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2182) entitled "An Act for the relief of the city of Elkins, West Virginia", submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

When this proposed legislation passed the Senate it provided:

"That the city of Elkins, West Virginia, is hereby relieved of all liability to repay to the United States the sum of $75,000 (plus any interest which may have accrued thereon), which amount represents a loan made to such city by the United States on April 5, 1943, through the Reconstruction Finance Corporation. In the settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for all amounts for which liability is relieved by this Act."

The House amended the bill to read as follows:

"That all of the Airport Revenue Bonds issued by the city of Elkins, West Virginia, presently held by the Reconstruction Finance Corporation and amounts due thereon or in connection therewith, are hereby transferred to the Civil Aeronautics Administration, together with all the functions, rights, powers, and records of the Reconstruction Finance Corporation relating to the said bonds. All receipts and recoveries hereafter with respect to said bonds shall be covered into the Treasury as miscellaneous receipts.

"SEC. 2. In the settlement of its accounts the Reconstruction Finance Corporation shall receive full credit for the said bonds and all amounts due thereon or in connection therewith."

In the committee of the conference it was agreed that the House would recede from its amendment.

E. L. FORRESTER,
HAROLD D. DONOHUE,
WILLIAM E. MILLER,
Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON THE JUDICIARY

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file committee reports on the bill S. 3879 and other bills.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WASHOE RECLAMATION PROJECT, NEVADA AND CALIFORNIA

Mr. ENGLE submitted a conference report and statement on the bill (S. 497) to authorize the Secretary of the Interior to construct, operate, and maintain the Washoe reclamation project, Nevada and California.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I offer a motion.

The SPEAKER. The Chair does not desire to recognize the gentleman from Michigan for that purpose.

Mr. HOFFMAN of Michigan. To offer that motion? Can I be recognized later?

The SPEAKER. The Chair will pass on that later.

Mr. HOFFMAN of Michigan. Well, I will renew it at various times then. I thank the Chair.

VERENDRYE NATIONAL MONUMENT, N. DAK.

Mr. ENGLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 86) authorizing the conferees on H. R. 1774, abolishing the Verendrye National Monument, N. Dak., to consider certain additional Senate amendments that were inadvertently omitted from the official papers.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 107]

Bailey	Edmondson	Nelson
Bell	Gathings	O'Hara, Minn.
Burleson	Gordon	Passman
Carnahan	Gwinn	Powell
Chatham	Hébert	Scudder
Dague	Hoffman, Ill.	Thompson, La.
Davidson	Kelley, Pa.	Thornberry
Davis, Wis.	Lane	Walter
Dawson, Ill.	McDowell	Wickersham
Eberharter	Morrison	

The SPEAKER. On the rollcall 401 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

VERENDRYE NATIONAL MONUMENT, N. DAK.

The SPEAKER. The Clerk will report the Senate concurrent resolution (S. Con. Res. 86).

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the conferees on H. R. 1774, in addition to the Senate amendments already pending before them, be authorized to consider the following amendments:

"(3) Page 1, line 6, strike out all after 'permits' down to and including 'site' in line 8.

"(4) Page 1, strike out all after line 8 over to and including line 5 on page 2.

"(5) Page 2, strike out lines 6 to 20, inclusive."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AGRICULTURAL TRADE, DEVELOPMENT, AND ASSISTANCE ACT OF 1954

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3903) to amend the Agricultural Trade, Development, and Assistance Act of 1954, with House amendments thereto, insist on the House amendments and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and appoints the following conferees: Messrs. COOLEY, POAGE, GRANT, HOPE, and AUGUST H. ANDRESEN.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 627) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 627, with Mr. FORAND in the chair.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 103 of the bill. Are there any further amendments to the section?

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we have spent a great deal of time on this bill. I think everybody has pretty well had an opportunity to express their views. I am going to suggest that we proceed with more celerity from now on than we have. I had some discussions with the leadership, which I take the floor now in order to verify, and to see if it is agreeable to the Committee so that we may proceed with this matter more rapidly.

My understanding is that we will confine our amendments to meritorious amendments and that, if it is agreeable to the committee, the debate on these amendments will be limited to 5 minutes for and 5 minutes against; that at the conclusion of the consideration of the bill by the Committee of the Whole the Committee will rise and that the vote will be deferred until Monday.

I think it will enable us to get along with business much more rapidly, with the forward look to adjournment next week, and in the meantime we will be able to clean up a good deal of the business that has to be done before the House adjourns.

May I ask the gentleman from New York if that statement conforms to his understanding?

Mr. CELLER. That is entirely correct, and it is a very creditable arrangement. The gentleman from Virginia participated to a measurable degree in reaching that agreement.

Mr. SMITH of Virginia. May I ask the minority leader if that meets with his approval?

Mr. MARTIN. I will say that I have consulted with the gentleman from New York [Mr. KEATING], and we are both agreeable. We do not subscribe to the meritoriousness of the amendments to be offered, but the procedure is fine.

Mr. SMITH of Virginia. My suggestion does not request approval of any amendment.

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

Mr. SMITH of Virginia. I yield to the gentleman from Iowa.

Mr. GROSS. Now, does that mean that a Member must offer an amendment in order to secure any time at all on this bill?

Mr. SMITH of Virginia. I have stated the situation as I understand it to be and agreed upon, and I hope the gentleman from Iowa will agree to it, because we have a lot of things that have to be done before we can adjourn.

Mr. GROSS. Does that include pro forma amendments?

Mr. SMITH of Virginia. Yes, that includes pro forma amendments. There will be no pro forma amendments, and I take, if necessary, the gentleman from New York will move to close debate on each amendment after 10 minutes discussion.

May I ask the majority leader if that meets with his approval?

Mr. McCORMACK. The answer is, yes.

Mr. SMITH of Virginia. Mr. Chairman, while I am on my feet, may I suggest something that I am sure the chairman of the committee intends to do and that is to ask unanimous consent that all Members have permission to extend their remarks at this point in the RECORD.

Mr. CELLER. Mr. Chairman, I make that unanimous consent request.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SHELLEY. Mr. Chairman, I rise in unqualified support of H. R. 627, which, I am advised, embodies all four of the rather moderate proposals made by the Attorney General in the field of civil rights. It is my understanding that these provisions would create a sorely needed Commission on Civil Rights to make a study of alleged violations of the right to vote; permit the appointment of a new Assistant Attorney General, which would permit the creation of a division in the Justice Department to handle civil-rights cases which must now be handled by a very small section in the Criminal Division; provide civil remedies for those who have their right to franchise interfered with; and permit the Justice Department to initiate civil actions on behalf of aggrieved parties whose civil rights have been denied.

This bill, of course, is a far more moderate proposal than the much broader one offered on February 2, 1948, by President Truman. I had the pleasure of playing a leading role in the fight for passage of the so-called Truman bill on the floor of the House and only regret that it was not enacted into law at that time. I have always felt that had this legislation been passed in 1948, the country would have been much closer at this point toward the achievement of what has recently been termed "the great American idea of equality under law." I also feel that enactment of this legislation would have aided the United States considerably in the past 9 years in the heroic struggle in which we have been engaged with the forces of international communism. Adequate protection afforded by the defeated Truman bill of all constitutional guaranties would not only have assured all of our people of equal justice under law, but would have effectively silenced Red charges that minority groups in this country are universally treated as second-class citizens.

In this regard, too, I was distressed to hear some of the opponents of this bill charge that the so-called civil-rights bill was inspired by domestic Communists, fellow-travelers, and their dupes. I was saddened by these charges because I thought at the time that they revealed an immense ignorance of the real nature of communism and Communist theory and tactics. Without going into this matter more thoroughly at this point, I feel that it is sufficient to pose the question here if, as has been generally acknowledged alleged ill-treatment of minorities in this country has afforded the Communists a major propaganda weapon against the United States in the cold war, why would domestic Communists be sponsoring legislation which would correct the situation? In other words, Mr. Chairman, why should the Reds shoot down one of their most effective propaganda weapons? I think the answer is obvious and one which need not be debated by this body.

Mr. Chairman, I wonder if the United States can continue to develop respect abroad for our form of government and our American way of life if we continue to permit the disenfranchisement of so many of our citizens simply on the basis of color alone? I believe that it is of paramount importance that we recognize that we are dealing with, and trying to win over to our side throughout the world, millions of other people who cannot help but look with suspicion on a country which imposes artificial barriers to full citizenship.

Mr. Chairman, we claim to represent the free world. We point with pride to the principles of freedom, liberty, and equality contained in our Constitution. We spend millions of dollars every year in order to persuade the world that the message contained in these documents offers a greater chance for a better life than the false dogmas proclaimed by the teachings of Marxist-Leninism. Yet, Mr. Chairman, our very actions betray our words. The fact that a few States in the country fail to subscribe to the tenets of the Constitution and the Declaration of Independence makes a mockery of our position abroad. Our diplomats are embarrassed almost daily by reports of harassment of colored citizens or visitors to this country. This situation is causing our message of freedom, equality, justice, and liberty to ring hollow in the ears of the world. This is, indeed, a shame, Mr. Chairman, because it is a winning and forceful message and one which might restore sanity to the world.

Mr. Chairman, I feel that passage of this bill would not only strengthen the United States by restoring faith in the principles upon which this country was founded—but it would go a long way toward helping us win the day in the greatest struggle in which mankind has ever been engaged.

Mr. SHUFORD. Mr. Chairman, I take this opportunity to again state my opposition to the pending so-called civil rights bill, H. R. 627. In my opinion it is an unnecessary and dangerous measure and one that will destroy the civil rights of the American people. It will take from the several States rights guaranteed them under the Constitution and subject the citizens of those States to unwarranted and unconstitutional Federal supervision. I cannot support legislation I feel will not be in the best interest and for the general welfare of our country.

I do not here undertake to discuss in detail the provisions of H. R. 627. That has already been magnificently done and I cannot improve upon the remarks of my colleagues.

I shall vote against this injurious legislation, and it is my fervent hope that it will not be enacted.

Mr. HERLONG. Mr. Chairman, I was certainly shocked yesterday to hear the remarks of the minority leader in opposition to the motion to strike the enacting clause of this bill. When he angrily pointed his finger at those of us from the South and said in effect to the members of his party that if they voted with southern Democracy they would rue it every day until—when?—until the next election. The next election, the Alpha and Omega, of the politician, and I don't use that word in its generic sense.

Now I am a normal human being, and I don't like to be pointed at. Much less do I like to be pointed at in anger and scorn. It may be said today that inasmuch as the remarks of the minority leader were made in obvious haste and anger, he did not really mean what he said. There is an old Latin maxim, "In ira veritas"—much truth is spoken in anger—which aptly describes the situation. We know, too, that when a witness on the stand answers hastily you can be pretty sure that he is saying what he really believes, whereas if he ponders a question at length before answering, you may well be cautious as to the truth of his reply.

So now we know what he really thinks about southern Democracy. Does he feel the same way about southern Republicanism? I note the southern Republican members voted with the southern Democrats on this issue. Are they to be read out of the party? Or are we to assume that they are going to be forced to vote for this so-called civil-rights legislation?

I heard a Member say the other day that when he campaigned for office he freely stated to his people that he was a man who had the courage of his convictions. He said that this bill was where he was really having an opportunity to prove his claim to himself. The gentleman from New York [Mr. MILLER] certainly has demonstrated courage of the highest order—and while, if most northerners feel about the South as the minority leader has demonstrated that he does, a pat on the back of the gentleman from New York [Mr. MILLER] coming from a southerner might not be appreciated and might not help him with his folks back home, I believe, however, that most people appreciate and honor courage of the type that the gentleman from New York has demonstrated. A man with that type of courage can never really lose regardless of the outcome of any vote.

To paraphrase the minority leader, it may well be that he will rue the remarks that he made yesterday, not just "every day until the next election," but long afterward. This is not a threat. I stand here as one who has from time to time voted the same way as the minority leader when I believed he was right. If I were to be the kind of person that he is asking the members of his party to be, I would say that I could never again vote with him, but I expect to continue to vote as I have in the past on each issue on the basis of its merits as I find them to be regardless of how anyone else votes. We have seen some sorry spectacles in these last few years, and I think the gentleman from Mississippi [Mr. WHITTEN] put it very succinctly the other day when he said that probably one of the greatest arguments for the election of a Democrat as President of the United States was so the Republicans in Congress would have the courage to vote their own convictions.

Mr. RILEY. Mr. Chairman, the United States has always been the mecca of those who love freedom. The early settlers came to this country seeking individual freedom. The Revolutionary War was fought to maintain this freedom and to preserve the dignity of the individual. In order to maintain this individual freedom and prevent the establishment of a dictatorial and all-powerful governing body the United States adopted a unique system of government. The major authority of this Government would remain in the individual States so that the Government could be kept as close to the people as possible. Only those specific functions which could not be properly rendered by the States were ceded to a Central Government. This Central Government was further divided into the legislative, executive, and judicial branches. Each branch was assigned certain prerogatives and each one was designed to be a check on the other, with the individual States and the people acting as a check on all three branches of this Central Government.

Under this system the Government of the United States developed and created an atmosphere of opportunity and individual rights which have become the envy of the world. People from every nation on earth have sought entry into the United States in order to enjoy the privileges and opportunities which we provide under our system of government. No other nation today provides as many privileges and as many opportunities as does the United States. Under our system every citizen has prospered more than he could have prospered in any other country.

In recent years a philosophy has been growing in our country which if implemented would change the functions of government, which have been highly successful, to other functions of government, which in other nations have proven unwise and a restriction on human liberty. In other words, in spite of the fact that we have three times within the last half century gone to war to preserve our liberties and our ideals we are slowly and surely, in peace time, adopting a form of government which has failed to meet the needs of an enlightened and progressive mankind. In short we are in the process of substituting failure for success.

This so-called civil rights bill, which is before us, and which is in my opinion a misnomer, is one of these bills which if enacted into law would change our form of government. It has been proven through the ages that you cannot legislate the conscience of men or their beliefs. This bill before us would put police and dictatorial powers into the hands of a very small group with no redress for those who are accused.

This is an absolute reversal of the American system which was designed to give freedom of speech, freedom of assembly, freedom of thought, and freedom of worship to every citizen.

I recall that after World War I Germany started out as a Republic, but gradually Hitler and his cohorts assumed dictatorial powers over the labor organizations of Germany, then over the educational systems of Germany, and finally over the religious institutions of Germany. Now I ask you in all sincerity what has a man left when he has lost control of his labor, or his right to choose his own vocation, and to help establish the policies under which he works, and when he has lost his right to choose his education, and when he has lost his right to choose his religion?

This bill is but a continuation of a policy to centralize all authority in the Federal Government, and instead of providing individual rights, it will tend to destroy them. I am sure that this legislation, if enacted, will deprive even those whom it purports to aid, of many of the rights and privileges which they have heretofore enjoyed. We sing of America as the land of the free and the home of the brave.

Let us keep it that way by defeating this iniquitous legislation.

Mr. ABBITT. Mr. Chairman, as I stated on the floor of this House during general debate on this bill, I am unalterably opposed to this legislation. In my opinion, if this legislation becomes law it will be the beginning of the end of our democracy. This bill deprives not only the States of their sovereignty but takes from the individual citizen the rights and privileges guaranteed to them under our Constitution.

Clearly, it is an unconstitutional invasion of the rights of our people, but unfortunately, there is no hope that the Supreme Court, as presently constituted, will protect the constitutional guaranty of our people. So long as the Court follows sociological views of foreign-born sociologists who have communistic leanings there is no hope for reilef from that arm of the Federal Government.

When the very foundation stone of our Constitution is being threatened it is time for the elected representatives of the people to forget partisan politics and to vote for the preservation of this great country of ours and the continuation of constitutional government.

It is true that this legislation is aimed at the South and our very way of life but I predict that sooner than we think it will be used to harass minority groups in all sections of the country. It is an entering wedge of totalitarian government and the emasculation of the Bill of Rights.

Mr. Chairman, I plead with the Members of this House to vote down this legislation.

Mr. VANIK. Mr. Chairman, 4 days of debate have taken place on the Civil Rights Act of 1956. Numerous amendments have been made and only a few have been adopted. I have consistently supported the bill as it has been reported out of committee. The distinguished Judiciary Committee very carefully considered every aspect of this legislation, and I am confident of its deliberations. My only regret is that the civil rights bill as reported out is not stronger and that vast untouched areas of civil rights were not included and made part of this legislation.

Those who oppose this legislation cannot complain that it was not given a full and impartial hearing. The opponents to this bill have consumed most of the time that was provided in the debate. No effort was made to cut off or unduly limit the right of any Member of the House to express himself or to present any amendment that he may have seen fit with respect to this legislation.

There are many of us who support the bill who are aware of its inadequacies and of the many necessary and desirable things that should be done that this bill cannot do. We support this legislation in the form it is presented by committee because it regrettably represents the maximum we believe can be achieved this year. A future Congress will have the responsibility of eliminating the poll tax and of insuring that discrimination does not persist in commerce, in employment, in housing, in schools, in recreation in any form anywhere in our society.

The gentlemen of the South have argued that this legislation will tear down the fabric of their society. If discrimination and prejudice is the fabric of this society, it is well that it be removed. If it is traditional in this society that people be segregated by caste, it is well that that fabric be destroyed.

I believe that this legislation and the broader development of civil and human rights legislation which will be enacted no later than the next Congress will result in a rebirth of the South in which

all people can live and work side by side. When costly and wasteful prejudice and bitterness is dissolved, the South will grow to an extent never before realized, building an economy which today is believed unattainable. People are the Nation's greatest asset whether they are in the North or the South and regardless of their color. They are most productive when they are happy, when they feel a sense of security—living and working among their fellowmen. Prejudice, bias, and unfair laws should not be permitted to make some men feel lesser than others.

This is not a regional conflict that we discussed today—it is not a conflict between the North and the South—it is a conflict which the South has within itself. They tell us that with the passing of time this difference will cease to exist and we of the North hold fast to our position that a single moment is too long for prejudice and discrimination.

This very complete debate has served a very useful purpose. It has pointed up the great gap that exists between northern and southern thinking on this subject. It has also displayed the great work that lies ahead to reconcile the minds of men to an understanding that equal justice cannot be kept from the American people regardless of race, religion, national origin or economic status. Democracy has made tremendous strides since the beginning of this Nation, but it is making even greater strides today—and we want every part of America to keep up the pace.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. With reference to the agreement about offering no pro forma amendments, does that mean that no Member will be allowed to strike out the last word or the last two words?

Mr. SMITH of Virginia. That is my understanding.

Mr. BROOKS of Louisiana. I have not yet taken time in the course of this debate, but I certainly should like to be given some time—at least 5 minutes.

Mr. SMITH of Virginia. We are trying to accommodate ourselves to the situation and the desire of all Members to complete the business of the House so that we may adjourn.

Mr. BROOKS of Louisiana. Why not incorporate in that agreement some understanding that a Member who has not spoken would be given 5 minutes?

Mr. SMITH of Virginia. I am afraid we cannot do that. Let me in conclusion, Mr. Chairman, express the hope that all Members, in view of our desire to finish our business, will cooperate with us by not forcing any rollcalls during the day.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. JONES of Missouri. With respect to the offering of amendments and what the gentleman said about offering only meritorious amendments, who is to decide whether an amendment is meritorious?

Mr. SMITH of Virginia. The Member who is offering the amendment has perfect freedom to offer any amendment he desires. In order to carry out our program and facilitate adjournment of the Congress I expressed the hope that we will have offered only meritorious amendments.

Mr. JONES of Missouri. If the gentleman will yield further for one question, will everyone who has an amendment to offer be given the opportunity to offer that amendment without shutting off debate?

Mr. SMITH of Virginia. I hope so.

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

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. DIES. When the gentleman was referring to meritorious amendments, he had in mind that Members would not offer dilatory amendments?

Mr. SMITH of Virginia. That is correct.

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

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. KEATING. Mr. Chairman, in view of the questions put by various Members, I wonder if the gentleman would restate the understanding, that if some untoward event should happen, it is the understanding that debate on the bill will be finished today?

Mr. SMITH of Virginia. That is our understanding, yes; and as rapidly as possible, as rapidly as we can get along with it, so that we may dispose of the business that is waiting on the desk.

Mr. CELLER. Mr. Chairman, I rise to state that if the amending process is indulged in to too great an extent I think I shall have to move to invoke cloture on each section. But, of course, I shall not do that if Members are reasonable in the offering of amendments.

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

Mr. CELLER. I yield to the gentleman from Pennsylvania.

Mr. SCOTT. Just for the sake of understanding, it is also part of this agreement that the House will vote on this bill on Monday?

Mr. CELLER. That is correct.

Mr. SCOTT. I thank the gentleman.

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

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. HALLECK. I wonder if it would not expedite matters if the gentleman would ask unanimous consent to have the bill considered as read and open for amendment at any point?

Mr. CELLER. Mr. Chairman, I shall consider that.

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

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. Did the gentleman from New York say that he would invoke cloture?

Mr. CELLER. I said that I would move to invoke cloture.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time because I am not sure just what is being put over on this House. I am afraid they are fixing up an end run around my side of the line and I am getting ready for it.

I have not taken any of the time of this House. I sat for months on the Committee of the Judiciary and listened to this bill and I certainly would like to have about 5 minutes.

There is just one thing to this bill, and that is all there is to it. You have all the law you need. The Constitution provides for civil rights, and the amendments to the Constitution provide for them. The Supreme Court has spoken on that subject. What else do you want?

When this bill first came before the Judiciary Committee it was based upon the Constitution of the United States and it was based upon something else, too. It was based upon the Charter of the United Nations, because they are going to take authority conferred by the United Nations in order to put this bill over. I am one of those who believe that the Constitution of the United States is as perfect as men can make it, and if it is not, we can change it as time goes on. I do not approve of reaching out into some document that has been engendered by some foreign country. We have this Constitution. It is here, and it is ours.

Yesterday I observed the doctor from Texas, Dr. DIES, operate on this bill. He cut out all the vital organs, and yet the victim had strength enough to get up and thank him for it, when he was done.

If you can figure out how to proceed with the rules that the doctor has prescribed, you will accomplish more than I think the Supreme Court can do.

There are just two ways that you can enforce this law. I know because I was selected as the attorney in North Dakota to enforce the prohibition law. The judge was not for it. The jury was not for it, because many times they turned the defendant loose on the ground of insufficient evidence. There was plenty of evidence when the jury retired but when they got through they said there was none.

Finally I said:

The 18th amendment is a bad arrangement, because it is creating disrespect for all law.

Being in charge of the prosecutions for the Federal Government, I announced that, that the 18th amendment ought to be repealed. I immediately got a wire from Brother Hoover. He said I had embarrassed him by that statement, and I ought to resign. Now, you did not know that I had been thrown out of office.

I thought things over. With the prices there were at that time, with wheat 26 cents, cattle 2 cents, and hogs no price, I was not particularly fond of being associated with the gentleman that asked me to resign, so I resigned. Then the campaign came on and I went out and asked him to resign, because I was very much more embarrassed than he ever was. The voters of the State assisted me, and

we got him in position where he did resign, but it took 100,000 votes against him to do it. If anyone is tried under this law in the South, they will be tried by a southern jury. You cannot take them to Russia yet. Maybe you will after a while. But, they will be tried in the South. Then, if public sentiment in the South is as strong in the support of their institutions as the desire for liquor was in my State—and I think it is stronger—you are going to enforce it in one of two ways. First, the people will change their opinions and that will be done by the people of the South and not by the people of the North. They are the ones who will change their opinion on that. The second way is to enforce it by force of arms. Well, about 100 years ago, we had an example of that. We do not want another. I say to you this bill will not accomplish what the people think it will. But here is my position exactly.

I think this act is a futile effort if not a purely political one, but the Attorney General wants it and says that, through it, he can enforce the opinion of the Supreme Court. The administration leaders want it, and hence my attitude is to give them the law, not wishing to put my judgment up against the opinion of the administration but, at the same time, believing that this law willl not accomplish what is claimed for it. There is a vast difference between equality before the law and social equality. We have never had social equality in this country and never will. The people reserve the right to fraternize with people of their choice, and no law will force them to do otherwise. The Washington social registister here in Washington selects its own company. I do not belong to it and don't want to, but if I did want to and the membership said no, I never could become a member. In that event, would I ever think of going to court to enforce social equality?

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the bill in its entirety be considered as read and open to amendment at any point.

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

Mr. GROSS. Mr. Chairman, I object.

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

The Clerk read as follows:

Amendment offered by Mr. DIES: On page 21, line 9, strike out the words "the allegations" and insert in lieu thereof the following: "allegations in writing."

Mr. DIES. Mr. Chairman, I will only take a moment in order to conserve time. I first want to say I am sure the distinguished gentleman who preceded me was facetious in his statement about the amendments which were adopted yesterday. Those amendments do absolutely nothing but insure a fair trial. They provide for the right of counsel and that the accused shall be furnished in advance with information of the allegations. There is nothing in those amendments that could unduly hamstring the enforcement of this law. The amendment I propose at this time simply says that the allegations must be in writing. It seems to me we should require such allegations to be made in writing.

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

Mr. DIES. I yield.

Mr. CELLER. I have no objection to that amendment.

Mr. DIES. That is fine.

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

Mr. DIES. I yield.

Mr. SCOTT. There is no objection on this side to the amendment.

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

Mr. DIES. I yield.

Mr. COOLEY. Even with the gentleman's amendment, is there any way possible under this bill for a citizen to acquire and to have a trial by jury?

Mr. DIES. Not under the commission—this is just an investigation.

Mr. COOLEY. That is what I mean.

Mr. DIES. No, he does not have any trial by jury.

Mr. COOLEY. He can be investigated and snooped upon and accused and he will never have a chance to face his accusers.

Mr. DIES. No, under the rules that we adopted yesterday, he is given ample safeguards and protection.

Mr. COOLEY. But not a trial by jury.

Mr. DIES. Not a trial by jury, but he is entitled to a fair hearing. This is not a trial. This is the investigation by the commission.

Mr. COOLEY. But the commission does have the power of contempt; does it not?

Mr. DIES. That is true.

Mr. COOLEY. A man can be incarcerated for contempt; can he not?

Mr. DIES. If he refuses to obey a subpena.

Mr. COOLEY. That is right.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield for a question.

Mr. DIES. I yield.

Mr. WILLIAMS of Mississippi. The gentleman's amendment requires that these allegations be put in writing. Does he think also that these allegation should be sworn to?

Mr. DIES. Well, I thought of that, but many of the allegations may be in the form of magazine or newspaper articles, and if you put the word "sworn" in there you may create an onerous burden. So I erased the word "sworn" and just put in "in writing."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DIES].

The amendment was agreed to.

Mr. DIES. Mr. Chairman, I have 2 or 3 other amendments that are short, and if I might offer them en bloc it might save some time.

Mr. KEATING. Reserving the right to object, Mr. Chairman, may we hear what they are?

Mr. CELLER. Reserving the right to object, with reference to offering them en bloc——

Mr. DIES. I did not mean en bloc. I want to offer one amendment after the other, and take about a minute on each amendment.

The CHAIRMAN. The gentleman from Texas desires to offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. DIES: On page 21, line 11, after the word "vote" insert the following: "Or that certain persons in the United States are voting illegally."

Mr. DIES. Mr. Chairman, our Committee on Immigration some years ago conducted an investigation.

Mr. CELLER. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DIES].

The amendment was agreed to.

Mr. RICHARDS. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RICHARDS: On page 21, line 16, after the word "laws" insert "and rights reserved to the States and the people."

Mr. KEATING. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from South Carolina is not germane.

The CHAIRMAN. Does the gentleman from South Carolina desire to be heard on the point of order?

Mr. RICHARDS. Mr. Chairman, I think it is patently germane, because in the subsection it seeks to amend, you provide for the collection of information and you provide for studies in regard to equal protection of the laws under the Constitution. And if that section itself means what it says, then I am sure the provisions of the 10th amendment of the Constitution itself would warrant a study and investigation to see how those provisions are applied under the Constitution that is mentioned.

Mr. COLMER. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. Has the gentleman from South Carolina concluded?

Mr. RICHARDS. I have concluded, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Chairman, I contend that this amendment is germane, not only for the reasons stated by the gentleman from South Carolina but in line with the ruling of the Chair on yesterday on another amendment, where the Chair differentiated between the labor amendment and the age amendment, in that the Chair ruled that the matter was within the province and jurisdiction of that particular committee. Therefore, consistent with that argument and that ruling yesterday, I submit this amendment is germane.

I submit that if the rights of the people because of color, race, religion, or national origin are to be studied by this Commission, certainly the commission if it has authority under the Constitution and the statutes to make that study, has the right to study the question of whether the civil rights guaranteed by the Constitution of the United States are being violated in this law.

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

Mr. COLMER. I yield.

Mr. WILLIS. Beyond that, under this part the Commission is required to appraise all the laws and policies of the United States with regard to the equal protection of the law, and now we propose to add the 10th amendment.

The CHAIRMAN. The Chair will hear the gentleman from New York [Mr. KEATING] briefly.

Mr. KEATING. Mr. Chairman, the part of this section which is sought to be amended here has to do with the equal protection of the laws provision of the Constitution, no other part of the Constitution.

It is true that amendments to the Constitution come under the jurisdiction of the Judiciary Committee, but the parallel between the ruling of yesterday and this amendment does not follow. The amendment offered by the gentleman from South Carolina would bring in a part of the Constitution which is not in any way under the purview of this section. It would be like trying to change the prohibition amendment under the Constitution in this bill. It has to do with an entirely different part of the Constitution, and it is not germane to the consideration of this bill.

Mr. TUMULTY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from South Carolina offers an amendment to which the gentleman from New York [Mr. KEATING] makes a point of order. The Chair has examined the language of the bill and also the language of the amendment.

In the opinion of the Chair the amendment is perfectly germane and, therefore, the Chair overrules the point of order.

Mr. RICHARDS. Mr. Chairman, I have a similar amendment to section 3. In the interest of expediting proceedings I ask unanimous consent that the two may be considered together.

Mr. DINGELL. Mr. Chairman, I object to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDS: Page 21, line 19, after the word "laws", insert "and the rights reserved to the States and the people."

Mr. KEATING. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane.

The CHAIRMAN. The Chair must overrule the point of order on the same ground that he overruled the previous point of order.

Mr. KEATING. As I understood, consideration of the second amendment was objected to.

The CHAIRMAN. The Chair had not yet put the request.

The gentleman from South Carolina asks unanimous consent that the two amendments may be considered en bloc. Is there objection? [After a pause.] The Chair hears no objection.

The gentleman from South Carolina is recognized.

Mr. RICHARDS. Mr. Chairman, everyone here, of course, is familiar with the 10th amendment to the Constitution, one of the essential pillars of the Bill of Rights which reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The object of these two amendments is to give the same degree of assurance at least that that very important part of the Constitution of the United States, and abuse of that provision, if it exists, should be studied by this so-called commission. If you are going to study whether or not people are equally protected by the laws under the Constitution I think it may be well for this Congress to point out that this reservation of powers to the States considered so important by our forefathers is still important today and believed in by some of us at least. I urge that these two amendments will be adopted.

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

Mr. RICHARDS. I yield to the gentleman from Georgia.

Mr. FORRESTER. I want to congratulate the gentleman on his amendment and I would like to say to him that anyone who wants to talk about civil rights certainly ought to support his amendment because I consider this the rights reserved to the States or to the people to be the most fundamental of all our civil rights. This is the particular thing that brought about the compact of the States, and made the United States. That is why you have a Constitution. So I hope every one will agree that it is time to study once again the bedrock of our civil liberties. I doubt seriously any member of that Commission will have any intimate knowledge concerning this precious principle but it would probably be highly beneficial to them to try to learn something.

Mr. RICHARDS. I thank the very able gentleman from Georgia.

Mr. CELLER. Mr. Chairman, I rise in opposition to the pending amendment and do so to make the following statement: The pending amendment concerns the relationship between the Federal and the State Governments. I do not think it is necessary to put this amendment in the bill.

In 1953 the Congress authorized the setting up of a commission known as the Intergovernmental Relations Commission to study the very import of the amendment offered by the gentleman from South Carolina. In 1955 a very exhaustive, cogent, and excellent report was rendered by the Intergovernmental Relations Commission. That committee made some very valuable recommendations.

This study would be simply a duplication of what that Commission has already done and has reported to the Congress. If the amendment is agreed to I would suggest for purposes of legislative history and interpretation that the commission set up by this bill should simply adopt the recommendations of the Intergovernmental Relations Commission. I do not see how they could do any more than that because of the many months of toil of the members of that Commission.

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

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. Is it not a fact also the Truman Commission investigated the very subject of this bill? If the gentleman's argument is sound that this proposal should not be investigated because the job has been done before, by the same token the gentleman should withdraw this bill.

Mr. CELLER. I think the Truman Commission goes back quite a number of years. Much water has gone over the dam since.

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

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

Mr. KEATING. I concur entirely in what the gentleman from New York said. This particular amendment involves a study which is most desirable, and, as he said, it has already been made. If further studies can be made certainly I would favor it because the relationship between the Federal Government and the State governments is very important. However, I call the attention of the Members to the fact that if this commission got bogged down in this investigation they might not ever get to the investigation of the essential factors set forth in this bill. Therefore, it is very important that the pending amendment be defeated.

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

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. Here is a serious suggestion. The Commission under this proposal is required to make a study and to collect information and to appraise the laws and policies of the United States with respect to the equal protection of the law. Now, that has to do with individuals. On the other hand, this amendment here has to do with the rights reserved to the States. Here is an opportunity for an objective commission; not for one commission to investigate one matter, the rights reserved to the people, and then for another commission to investigate another matter, the rights under the equal protection of the laws clause. But, here they would be afforded an opportunity to balance the study. And, I repeat, if the idea of a study having been made is an objection to this amendment, then it should be an objection to the entire bill.

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

Mr. CELLER. I yield to the gentleman from Georgia.

Mr. FORRESTER. I would like to say to the gentleman that since a study has been made in this case that you refer to we have had the Steve Nelson, where the Court held that the State had preempted the field and that the State could not legislate on sedition. We had other cases which we believe were ruled on simply by judicial fiat, because there is nothing in the Constitution, there is no statute to authorize it, and I know of no subject under our Constitution that would be of more value than for a State to determine whether or not a State in these United States is in the situation that they cannot even legislate for their own protection.

Mr. CELLER. I will say to the gentleman from Georgia that preemption by the Federal Government is nothing new. The supremacy clause of the Constitution requires that where Congress actually preempts in any field by using language directly or indirectly for that purpose, State legislation in the given field is not appropriate. This is what the Court held in the Steve Nelson case is entirely different.

Mr. FORRESTER. I will say to the gentleman, however, that it is by judicial fiat, and that is what we want to avoid.

Mr. CELLER. How can the recommendation of a commission prevent or hamstring or tie up a court? You cannot do that.

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

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

Mr. KEATING. Furthermore, the effect of the Steve Nelson case would be overcome by the bill that has been reported out of our committee and is now awaiting action right here in the Congress.

Mr. CELLER. That is correct.

Mr. FORRESTER. The gentleman knows that that is not correct.

Mr. KEATING. And which I favor, incidentally.

Mr. CELLER. I think the bill reported by the House limits it to cases of sedition.

Mr. KEATING. It does.

Mr. CELLER. I say that is what it does.

Mr. Chairman, I move that all debate on these amendments do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate has just been closed.

The question is on the amendments offered by the gentleman from South Carolina [Mr. RICHARDS].

The question was taken; and on a division (demanded by Mr. KEATING) there were ayes 94, noes 61.

Mr. KEATING. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. RICHARDS and Mr. CELLER.

The Committee again divided; and the tellers reported that there were—ayes 94, noes 106.

So the amendments were rejected.

Mr. BROOKS of Louisiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS of Louisiana: On page 21, line 8, strike out section 103 (a).

Mr. BROOKS of Louisiana. Mr. Chairman, the purpose of this amendment of course is to strike out the duties of this Commission. This amendment does not strike out the duties under subsection (b) but it does strike out all of the duties under subsection (a), and to that extent will nullify the work of the Commission.

I had in mind at the time this amendment was drawn that I would speak in reference to the amendment that was just presented and just declined by the House of Representatives. To my mind, if this Commission is going to function, it should certainly have to consider the work as suggested by the amendment offered by the gentleman from South Carolina, to study the operation of the 10th amendment to the United States Constitution. That amendment, Mr. Chairman, is the most important amendment to our Constitution. I do not believe that our Constitution would ever have been adopted had that amendment not been submitted along with the original Constitution. That amendment is one that protects the people themselves against the usurpation of Government, and in these days when Government is getting so large and so comprehensive and so all-consuming and all-controlling, it seems to me proper and right that we should have that amendment written into this bill. With that amendment out, I think that subsection (1), (2), and (3) of section 103 (a) ought to be likewise stricken out of the bill. I think the purposes of this bill are wrong. I would not agree to the bill even with the amendment in it, I will be frank to tell you, but I do urge the adoption of this amendment.

Mr. Chairman, I am against this bill because it is a social and political monstrosity. It is not necessary and will do no good. Our statute books are filled with a host of social and civil-rights laws passed during the last 100 years which have not been enforced and cannot be enforced because of the nature of our body politic and our society in this country. This will add to the list another law, if this should be passed, which is not workable and will do no good and will be a constant irritant to the people of the Southern portion of this great country.

The first section provides for the establishment of a Civil Rights Commission to be appointed by the President. This is nothing new. During the time I have served in Congress this proposal in one form or another has come up for consideration by the people of the country and every one is well aware of its objectives and of the procedure suggested. During the course of the last two administrations, this suggestion was worked out by the setting up of a committee of this sort with a similar name. It was supposed to operate and to guarantee protection of civil rights in this country and of course it immediately turned its face to the South and began to agitate the question of race relations.

These committees or commissions accomplished nothing whatsoever and they ran their usual course and ceased to exist.

In the history of this country we have had a host of proposals on race relations. In the wake of the Civil War, many bills of this type were put on the statute books. Some of them are still there and clutter up our legal records. In recent years, each session of Congress produces some such proposals. We first had the so-called Force bill which was agitated for many years. It was followed by the antilynching bill, the anti-poll-tax bills, the Federal employment practices bill, and now the civil-rights bills. There are a number of these before the Congress at this time. All of these matters were conceived in politics and were dedicated to political ends. They all failed and they should have failed. You cannot legislate social morals.

This bill under consideration is broad—broad beyond all reason. It has no protection for those persecuted in the course of any hearing of proceeding. It gives the powers of the Government to those who would abuse and villify and hurt our best citizens and would thrust a barbed dart into the heart of the South.

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

Mr. Chairman, this amendment, of course, strikes out the duties of the commission which the gentleman from Louisiana, who is opposed to the bill, has been quite frank in saying that that is its effect. If you favor this commission and want part I of the bill, you must, of course, vote against striking out the duties. It would completely nullify and emasculate the first part of this bill, and I am opposed to it.

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

Mr. KEATING. I yield.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment cease now.

Mr. KEATING. Could I inquire of the gentleman if he shares my views?

Mr. CELLER. I certainly do. This would destroy the bill.

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

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. BROOKS].

The amendment was rejected.

Mr. CELLER. Mr. Chairman, I renew my unanimous-consent request that the bill in its entirety be considered as read and be open for amendment at any point.

Mr. JONES of Missouri. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. JONES of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Missouri: On page 21, line 12, after the word "religion", insert "political affiliation."

Mr. KEATING. Mr. Chairman, I make a point of order against the amendment, but I will be happy to reserve the point of order, if the gentleman would like to have me do so.

Mr. JONES of Missouri. I would like the gentleman to make his point of order. I would like to speak to the point of order.

The CHAIRMAN. The gentleman from New York will state the point of order.

Mr. KEATING. Mr. Chairman, I make the point of order that this amendment is not germane to this bill. The prohibition against discrimination on the grounds of color, race, religion,

and natural origin is envisioned within the terms of the bill now and it says nothing about political affiliations. We do not want to change the entire character of this commission, as it is set up here, by providing that they are to get into an investigation of how people vote and why. It would involve, or at least could involve, investigation of the so-called Communist Party and other subversive groups. It completely changes the character of the bill. It is not within the purview of either this section or the title of the bill in any way, it seems to me.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri.

Mr. JONES of Missouri. Mr. Chairman, I think it is apparent to anyone, if they read the bill, that it says it is to investigate the allegation that certain citizens of the United States are being deprived of their right to vote. I will take that up first—that is being deprived of their right to vote because of their political affiliation. In some sections of the country, where we have primaries and there is only one party, we have people who are excluded from the right of expressing their views on the people who are to represent them.

For instance, in the district I represent at this time there is not a candidate for a Representative in Congress on the Republican ticket. Therefore, I think the Republicans in that district should have an opportunity to come into the Democratic primary to vote to say who is going to represent them; to express a preference. I think that part is well recongnized, that political affiliation is something that excludes some people from the right of franchise in this country.

Another reason why this amendment is germane is that the people are being subjected to unwarranted economic presure by reason of political affiliation. In my State of Missouri at this time people are being thrown out of office as members of ASC county committees to which they were elected because of their political affiliation. That is the only reason they are being thrown out of office. Their character is being hurt by the fact that they are being thrown out of office. I say that is unwarranted economic pressure.

Referring to the gentleman's reference to the Communist Party getting into this, the so-called Communist Party is not recognized as a political party in the United States.

Mr. CELLER. Mr. Chairman, a point of order. I make the point of order that the gentleman is not speaking on the point of order and the germaneness of the amendment.

Mr. JONES of Missouri. Certainly I am, because political affiliation is the thing that is causing this discrimination in the voting, and in the economic political pressure. The gentleman from New York [Mr. KEATING] brought up the fact that Communists may be brought into this, and that is why I am still speaking. The Communist Party is not recognized as a political party at all. I am not trying to protect the Communists any more than the gentleman from New York. I am trying to protect all citizens. I think that political affiliation is certainly germane to this amendment, both from the standpoint of voting and economic pressure.

Mr. GROSS. Mr. Chairman, I would like to be heard on the point of order.

I call attention to section 101 (b) of the bill, which provides:

> The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

The CHAIRMAN (Mr. FORAND). The Chair is ready to rule.

The gentleman from Missouri offered an amendment to which the gentleman from New York makes a point of order.

The Chair has examined both the language of the amendment and the language of the bill and finds, for the reason that the word "sex" was germane yesterday, "political affiliation" is germane to the section that the gentleman has offered his amendment, and the Chair overrules the point of order.

Mr. JONES of Missouri. Mr. Chairman, I think this objection raised by a point of order is indicative of the spirit in which the proponents are bringing this bill to the floor. They are trying to ride through on the statement that this is a civil-rights bill. To me, this is no more a civil-rights bill than for a fellow to go out to the barnyard and bring in a dish and tell me it is ice cream because it came from a cow. In other words, it does not look like ice cream, it does not smell like ice cream, and I am not going to eat it because you label it ice cream.

Another thing, these people who are trying to force this bill through are trying to appeal to you merely on the ground that you are for civil rights. I have talked to innumerable people who have apologized to me, saying, "We know it is not civil rights, but we cannot go back home and say we voted against civil rights."

It is a bill that will take away your civil rights. This part of the bill reminds me of an experience I had a few years ago. I was driving through a small town where they had a "Stop" sign that they were using to increase the revenue of the village. So when I came to the stop sign I stopped. Then I started on my way, and a country policeman blew his whistle. He walked over slowly toward the car. I stopped. He said, "Young man, did you see that sign?" I said, "Yes, sir." He said, "What did it say?" I said, "It said stop." I said, "What about it?" He said, "Well, it says stop, and that means stop." I said, "I did stop." He said, "Yes; but you almost did not stop." That is just what this bill is. If we had a thought, if someone thought we were about to do something then we would be stopped and they would call you, and you would be harassed with the allegation: "You are about to do something; we have read your thoughts."

I hope, Mr. Chairman, that those people who have been misled into believing that this is a civil-rights bill have been convinced by the eminent lawyers of this House—they have at least convinced me. While I am no lawyer and cannot understand a lot of your legal phraseology, I think I can read and understand the English language—I know that this bill as I read it will not protect civil rights in any one instance but will take away some of the rights we now have. But if you are going to have the bill, for goodness' sake, put it in proper order and include political affiliation, which, in many places, is just as much an excuse to be deprived of your voting rights and just as much to be subjected to unwarranted economic pressure as any of these other things.

I hope the amendment will be adopted.

In closing, I want to say that while I intend to vote against this monstrosity, I know that I can truthfully say to the world that I have not voted against or done anything which would interfere with the voting rights of any qualified voter of this Nation.

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

Mr. Chairman, I am not so naive as not to believe, as the gentleman from Missouri suggests, that there are people in this country who are deprived of the right to vote, and I agree that there may be persons subjected to unwarranted economic pressure because of their political affiliation in some instances. However, I think we have to recognize this amendment for what it is: It is one further attempt to clutter up the bill, to so burden the Commission which the bill proposes to set into operation, that it will for all practical purposes be prohibited from performing its function of completing this investigation within the 2-year time limit imposed by the bill.

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

Mr. QUIGLEY. Yes, I shall be glad to yield to the gentleman from New York.

Mr. KEATING. I share entirely the views expressed by the gentleman from Pennsylvania. If we allow this Commission to start investigating whether some Republican or some Democrat is denied his right to vote because he happens to be a Republican or a Democrat, or that he is subjected to some economic pressures by reason of that fact, undoubtedly, as the gentleman from Pennsylvania says, this Commission could take evidence along those lines; but again it is a complete change in the character of this bill.

The amendment is advanced in the utmost of good faith, but advanced by one who is frank in his opposition to the measure; and, like all these other amendments, it should be viewed with suspicion when they are advanced by such a source.

I hope the amendment will be defeated.

Mr. QUIGLEY. I would point out to the members of the committee that if this amendment is adopted this Commission would end up being the final judge of elections in every precinct, in every voting district, in every 1 of the 48 States throughout the country, and the whole purpose intended to be accomplished by this bill will very quickly go down the drain, because the Commission would not have time to function and do the job it ought to do.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield.

Mr. JONES of Missouri. Is not that exactly the purpose of some people? Is not that exactly what they would like to see happen? They would like to see some Commission regulate the whole country and make everybody that held office subservient to them.

Mr. QUIGLEY. It is not for me to judge the motives or to judge the purpose of any Member who supports or approves this bill. I know the reasons why I support it; others must assume responsibility of their own decision.

But I do say, however, that I object to this amendment because it just clutters up the RECORD, clutters up the work of the Commission and will keep it from functioning in the way some of us hope that it will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. JONES].

The question was taken; and on a division (demanded by Mr. JONES of Missouri) there were—ayes 52, noes 92.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I renew my unanimous consent request that the bill be considered as read and that it be open to amendment at any point in the bill.

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

There was no objection.

The remainder of the bill follows:

Powers of the Commission

SEC. 104. (a) Within the limitations of its appropriations, the Commission may appoint a full-time staff director and such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 15 of the act of August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a), but at rates for individuals not in excess of $50 per diem.

(b) The Commission may accept and utilize services of voluntary and uncompensated personnel and pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of $12).

(c) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable.

(d) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(e) The Commission, or on the authorization of the Commission any subcommittee of two or more members, may for the purpose of carrying out the provisions of this act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses and/or the production of written or other matter may be issued over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

(f) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Appropriations

SEC. 105. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this act.

PART II—TO PROVIDE FOR AN ADDITIONAL ATTORNEY GENERAL

SEC. 111. There shall be in the Department of Justice one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Attorney General in the performance of his duties, and who shall receive compensation at the rate prescribed by law for other Assistant Attorneys General.

PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES, AND FOR OTHER PURPOSES

SEC. 121. Section 1980 of the Revised Statutes (42 U. S. C. 1985), is amended by adding thereto two paragraphs to be designated "Fourth" and "Fifth" and to read as follows:

"Fourth. Whenever any persons have engaged or are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs first, second, or third, the Attorney General may institute for the United States, or in the name of the United States but for benefit of the real party in interest, a civil action or other proper proceeding for redress, or preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"Fifth. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

SEC. 122. Section 1343 of title 28, United States Code, is amended as follows:

(a) Amend the catch line of said section to read,

"§ 1343. Civil rights and elective franchise"

(b) Delete the period at the end of paragraph (3) and insert in lieu thereof a semicolon.

(c) Add a paragraph as follows:

"(4) To recover damages or to secure equitable or other relief under any act of Congress providing for the protection of civil rights, including the right to vote."

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

(a) Amend the catchline of said section to read, "Voting rights."

(b) Designate its present text with the subsection symbol "(a)."

(c) Add, immediately following the present text, three new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States but for the benefit of the real party in interest, a civil action or other proper proceeding for redress, or preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of North Carolina: On page 22, strike out all of lines 13 through 18.

Mr. JONES of North Carolina. Mr. Chairman, this is a simple amendment and what it actually does is to strike out lines 13 to 18, inclusive, on page 22. That section of the bill reads as follows:

The Commission may accept and utilize services of voluntary and uncompensated personnel and pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of $12).

The Committee by its vote on yesterday clearly indicated it desired to have an investigation of the so-called civil rights situation in our country. If you are going to have such an investigation then it should be fair and impartial.

I say to you, Mr. Chairman, if you allow this Commission to accept the services of volunteers from groups in this country that have been agitating for this sort of legislation for some time, you will not have a fair and impartial investigation of civil rights. When this measure was before the Committee on the Judiciary of the House for hearing, those who appeared to testify in behalf of it consisted of some of the well known pressure group organizations of this country, such as the Americans for Democratic Action, the American Civil Liberties Union, and any number of other organizations, all standing there ready and willing, and who actually did testify to the great need for this investigation.

You know and I know that the very minute this Commission is established the ADA will have a flock of volunteers standing ready and willing to volunteer their services, and to assist the Commis-

sion. There is nothing in the law that would prohibit the Commission from hearing those witnesses if they desire to testify. But this bill provides that they would be actual employees of the Commission itself. The section says: "The Commission may accept and utilize services of voluntary and uncompensated personnel," to assist in the study of civil rights in this country. Now, it provides that they shall be uncompensated, but it provides further that they shall be paid all of their traveling and subsistence expenses. There is no ceiling on that. The other provision in the bill says that in lieu of all travel and subsistence the Commission may pay $12 per day.

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

Mr. JONES of North Carolina. I yield to the gentleman from Illinois.

Mr. YATES. Is there any intention on the part of the gentleman in offering this amendment that the Commission should not be allowed to accept the services of such voluntary organizations, or is the gentleman objecting to the compensation to be paid to such people?

Mr. JONES of North Carolina. I do not believe that the Commission should be authorized to accept their services as employees. They can come in and testify as witnesses and present their views, but this authorizes the Commission to employ them on a subsistence basis.

Mr. YATES. Is there not a provision like this for the WOC's in the Department of Commerce now?

Mr. JONES of North Carolina. I do not think it is exactly like that.

Mr. YATES. The compensation they receive usually is $1 a day and their traveling and per diem expenses.

Mr. JONES of North Carolina. But they are carrying out the laws of this Congress.

Mr. YATES. But the Commission would be carrying out a law of the Congress at that time, would it not?

Mr. JONES of North Carolina. The Commission would be making a study of civil rights, and these groups have all taken their positions. As to some of the groups from the South, you would certainly object to that.

Mr. YATES. I would not. I would think that the Commission would have the right to hire any group whose services it needed, with respect to what their views may be. I would think the groups in the South would have the opportunity to have their voices heard.

Mr. JONES of North Carolina. They can employ them as staff members, but this is on the basis of accepting voluntary services and paying them for it.

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

Mr. Chairman, this Commission will be a bipartisan commission. It is an entirely justified assumption that this Commission will be composed of responsible citizens from both parties, whose instructions and whose duty and responsibility will be to investigate the matters which are comprised within the language of this bill. These members also will require Senate confirmation, and it is to be expected that the other body would be extremely careful in considering the qualifications of the membership nominated by the executive. There is, of course, also the right of the Commission and the duty of the Commission, in accepting volunteers, to accept them from such groups and organizations as it sees fit from whatever points of view or purposes may be involved in the determination of their acceptance. There is also the element of the funds authorized here. The Congress will have the right to appropriate money which would be used, if the Congress saw fit, for the purpose of paying the per diem allowances, and if the Congress did not see fit, the denial of those funds.

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

Mr. SCOTT. I yield to the gentleman from Georgia.

Mr. FORRESTER. As I recall, the gentleman said that this Commission would be bipartisan. Now, can the gentleman give me any assurance that any particular section which I represent, or from the entire South would be represented on that Commission?

Mr. SCOTT. I could not give the gentleman any assurance that any individual of the section which I represent would be on the Commission, but I would assume that the Commission would be representative geographically, and from other aspects, in keeping with the spirit of the bill, which is to reduce misunderstanding and to promote good will throughout the country and throughout all sections.

Mr. FORRESTER. If the gentleman will let me observe right here, under the Truman Commission my section was not represented at all.

Mr. SCOTT. Of course, I am not responsible for what the Truman Commission did.

Mr. FORRESTER. And we expect better treatment.

Mr. SCOTT. I would certainly expect better treatment under this administration.

Mr. FORRESTER. Mr. Chairman, I should like to ask the gentleman whether he could give us any assurance that this Commission would not do as the Truman Commission did, use certain volunteer services; and the gentleman will find in the hearings, with which I am sure he is familiar, that the groups that were used as voluntary agencies were the National Lawyers Guild, the NAACP, the American Civil Liberties Union, and so forth. Can the gentleman assure us that they will not be the groups who will be used here?

Mr. SCOTT. I think the gentleman would be entitled to the reassurance that this administration would be extremely careful to see that persons of diverse views are recognized and if volunteers are accepted, that persons of diverse views will be used.

Mr. FORRESTER. Then the gentleman thinks that I should believe in fairies.

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

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

Mr. KEATING. To answer the query of the gentleman from Georgia [Mr. FORRESTAL], of course, I cannot speak for the President of the United States. I am very confident that he would not name anybody who was connected with the National Lawyers Guild to such a Commission.

Mrs. BLITCH. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from Georgia.

Mrs. BLITCH. Mr. Chairman, I would ask the gentleman if division of this Commission by parties would in any way mean that different trends of thought, different thinking would be represented on the Commission? Would not the gentleman say that this fight that is going on here today is not exactly a party-against-party fight? You could choose Members from both parties and still have only one viewpoint on the Commission.

Mr. SCOTT. I would answer the question of the gentlewoman from Georgia by saying that I would expect that different viewpoints, different opinion, different ideologies would be recognized.

Mrs. BLITCH. Why?

Mr. SCOTT. And I would also add if the gentlewoman from Georgia [Mrs. BLITCH] were included on that Commission she would be by far the most beautiful member.

Mrs. BLITCH. Mr. Chairman, will the gentleman yield further.

Mr. SCOTT. I yield to the gentlewoman.

Mrs. BLITCH. The gentlewoman from Georgia refuses to be disarmed by the gentleman's reference to her personally; but, in view of his remark, she is even further alarmed by the lack of gravity exhibited by the proponents of this bill. Surely the gentleman would not say that beauty is a requirement of the membership of the proposed Commission in order to bring civil rights to the people of these United States?

Mr. SCOTT. We have added sex and, of course, there are considerations of beauty to be taken into account.

Mrs. BLITCH. The gentlewoman from Georgia is indeed dismayed that the gentleman from Pennsylvania insists on treating, with what certainly borders on levity, a question of such serious import to the individual liberties of all the people of the United States.

Mr. SCOTT. I agree; I think beauty of mind and beauty of purpose should also be included.

Mrs. BLITCH. Mr. Chairman, would not the gentleman say that it is an appalling indictment of the Members of this House that this legislation was ever permitted to reach this floor?

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

Mr. CELLER. Mr. Chairman, I move that all debate on this amendment do now cease.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. JONES].

The question was taken; and on a division (demanded by Mr. JONES of North Carolina) there were—ayes 59, noes 83.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I offer an amendment, to correct certain typographical errors.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 25, at the beginning of line 1, insert the word "the"; and on page 24, line 6, between "Additional" and "Attorney" insert the word "Assistant."

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: On page 24, line 17, strike out all of section 121 of the bill from page 24, line 17, to page 25, line 11, inclusive.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to H. R. 627 and in support of my amendment to strike section 121 from this bill. I oppose the entire bill for the reasons which have been so ably stated by its opponents in the course of this debate. Of particular concern to me, however, is this section 121 of part III.

As many of you know, I represent the Ninth Congressional District of Alabama. This district comprises Jefferson County and the city of Birmingham. Birmingham is recognized throughout the country as the industrial center of the Southeastern States. With a population of over 600,000, we play a vital role in the industrial economy of this country. In fact, we produce 9 percent of the total iron and steel production of the country and, believe it or not, 80 percent of the cast-iron pipe. My district is one of the few economically integrated districts in the Nation. I have 60,000 members of organized labor numbered among my constituents and I also have the management for that labor located in my district.

Because of the tremendous industrial and manufacturing activity in the Ninth District of Alabama, I, as its Representative, have a great deal in common with many of the northern Congressmen on my side of the aisle who represent labor districts in northern cities and also many of the Members on the other side of the aisle who count among their constituents sizable segments of the industrial management of this country.

It is my contention that section 121 of part III applies to labor-management relations just as it applies to race relations and, if you will bear with me for a few moments, I would like to explain to you why I have this view.

Section 121 reads as follows:

SEC. 121. Section 1980 of the Revised Statutes (42 U. S. C. 1985), is amended by adding thereto two paragraphs to be designated "fourth" and "fifth" and to read as follows:

"Fourth. Whenever any persons have engaged or are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs first, second, or third, the Attorney General may institute for the United States, or in the name of the United States but for benefit of the real party in interest, a civil action or other proper proceeding for redress, or preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"Fifth. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

You will note that this section refers to paragraphs first, second, and third of title 42, United States Code, section 1985, and adds paragraphs fourth and fifth. In order to better understand what I am talking about, let me read paragraph three of the existing law, title 42, United States Code, section 1985. It says, among other things:

If two or more persons conspire for the purpose of depriving any person of the equal protection of the laws or of equal privileges and immunities under the laws, the party so injured or deprived may have an action for the recovery of damages.

As you will see, paragraph 3 makes no mention of race, creed, color, or national origin. It is not intended that the benefits of this section should be extended only to those who have been deprived of the equal protection of the laws because of race, creed, color, or national origin. In fact, beginning in 1877, the Supreme Court—in what have been called the Granger cases—applied the 14th amendment and statutes enacted pursuant thereto to all "persons," including corporations. In the case of *Yick Wo* v. *Hopkins* (118 U. S. 356 (1886)), the Court, acting through Chief Justice Waite, settled once and for all the question of the extent of the 14th amendment and of the existing civil-rights laws, using these words in the opinion:

These provision, i. e., equal protection of laws, are universal in their application, to all persons within the territorial jurisdiction without regard to any differences of race, of color, or of nationality.

It is a common misconception among our people that the 14th amendment and the present civil-rights laws apply only to those who have been deprived of the equal protection of the laws because of race, color, or national origin. But this is not so. They apply to all persons and all persons are protected by them. This even includes corporations which have been defined, for the purposes of the 14th amendment and civil-rights statutes, as "persons."

The CHAIRMAN. The time of the gentleman has expired.

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

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

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

Mr. KEATING. Mr. Chairman, reserving the right to object, and I shall not object unless this is not in accord with the agreement entered into, my understanding was that there were only 5 minutes to be allowed on both sides. I do not like to object to the gentleman having a full opportunity to be heard.

Mr. BOYLE. This is in violation of the agreement as I understand it.

Mr. KEATING. I am not going to object to anyone having a chance to be heard on this bill on either side.

Mr. WILLIS. Mr. Chairman, I was going to move to strike out the appropriate number of words in order to enable me to ask a few questions of the author of this amendment. This is a very serious and a most important amendment, and that is the reason I should like to have 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama to proceed for 5 additional minutes?

Mr. WILLIS. Mr. Chairman, I do not want to be in violation of the rules but I asked to strike out the appropriate number of words.

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

Mr. BOYLE. Mr. Chairman, since the gentleman's request is in violation of the agreement, I will have to object.

The CHAIRMAN. Objection is heard.

Mr. HUDDLESTON. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HUDDLESTON moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HUDDLESTON. Mr. Chairman, you will note that in paragraph 3 of the present title 42, United States Code, section 1985, the term "equal protection of the laws" is used. Just what does this phrase mean? The Supreme Court long ago in the case of *Barbier* v. *Connolly* (113 U. S. 27 (1885)), defined it as the protection of equal laws. It requires—and I quote—"that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights."

Based on what I have said before, I am sure that you will agree that the term "equal protection of laws" is not limited to race relations only. It embraces all other personal and civil rights which have been extended to the people in this country by the Constitution and also by the laws of the United States.

Now I get down to one of the major reasons why I oppose section 121 of part III of this bill and why I have offered the amendment to strike this section out. As I have said, the term "equal protection of the laws" applies to all laws of the country which extend rights and privileges to citizens and other persons. The rights which I have particular reference to are those which were initially spelled out in the Wagner Labor Relations Act and later in the Labor-Management Relations Act of 1947, otherwise known as the Taft-Hartley Act. These rights appear in title 29, United States Code, section 157. With your indulgence, I would like to read this section:

RIGHT OF EMPLOYEES AS TO ORGANIZATION, COLLECTIVE BARGAINING, ETC.

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have

the right to refrain from any or all of such activities.

The first set of rights were extended by the Wagner Act and the right to refrain from activities first mentioned was extended by the Labor-Management Relations Act of 1947.

It is my contention that these rights conferred by the Wagner Act and the Labor-Management Relations Act of 1947 are included within the meaning of the term "equal protection of the laws." These are "laws" of this country .

Section 121 of part III of H. R. 627 extends to the Attorney General the authority to intervene in case of acts or practices which would give rise to a cause of action pursuant to the existing civil rights laws. In other words, if two or more persons conspire to deprive another of equal protection of the laws, the Attorney General may institute a civil suit. He can do this without the consent of the alleged aggrieved party and even over his strenuous objection.

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

Mr. HUDDLESTON. I yield.

Mr. WILLIS. I have been following the argument of the gentleman, and I suggest this is a most serious amendment and a very meritorious one. As I understand the trend of the argument of the gentleman, it is this, that section 121 of the bill, page 24, provides for a remedy whenever a cause of action arises pursuant to section 1980 of the Revised Statutes.

Mr. HUDDLESTON. That is right.

Mr. WILLIS. The Revised Statutes provide that whenever there is a conspiracy with intent to deny any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing or attempting to enforce the right of any person or class of persons to the equal protection of the law. What the gentleman is pointing out is that a situation will eventually arise in a labor organization where allegations may be made that someone in the office of a union is said to have conspired with a member of that union to deprive someone in the union of equal protection of the law.

Mr. HUDDLESTON. That is correct.

Mr. WILLIS. And that is a very, very serious thing. It is presented in this legislation.

Mr. HUDDLESTON. Yes. It is my contention that those provisions extending certain benefits to the members of the working class segment of our population are subject to the provisions of the civil rights statutes, paragraph 3 of the existing civil rights law. By enacting section 121 into this bill we are extending to the Attorney General the right to intervene in labor-management relations, a field which has traditionally been excluded from politics.

To proceed—the Attorney General is given by this section 121 the authority to intervene in matters involving violations of the rights extended and conferred by the Wagner Act and the Labor-Management Relations Act of 1947. As I have quoted from these acts above, the right to join a labor organization is one of these rights. Also, is the right to refrain from joining a labor organization. These are only two of the rights which are conferred on employees and employers by these acts and if persons are deprived of these rights by others, they are denied the equal protection of the laws.

You can see what the result would be. All cases of complaints on behalf of a company against a union or a union against a company would be subject to intervention by the Attorney General. By giving the Attorney General this power, the bill, in effect, circumvents the National Labor Relations Board, which has a statutory jurisdiction over labor-management relations, and gives the Attorney General concurrent jurisdiction with the Board.

Section 121 puts labor-management relations into the middle of politics. Instead of the Government being the umpire, as it presently is, the bill would actually make it a party-litigant. A politically minded Attorney General could use section 121 of this bill to destroy either union or management, depending upon what would best serve the interests of the administration of which he is a part.

Let me give you an example. If an employee is fired for allegedly joining a labor union, he has a right guaranteed by the Wagner Act and as such, is deprived of his equal protection of the laws. The Attorney General could sue the company for this deprivation and have the unlimited resources of the country at his disposal.

On the other hand, if a union allegedly violated the rights of employees to refrain from joining labor organizations, as granted in the Labor-Management Relations Act of 1947, they will have been deprived of their equal protection of the laws. The Attorney General could file suits against the union, even without the consent of the alleged aggrieved employees, under the provisions of section 121 of this bill.

These rights, which I have mentioned, are protected by the National Labor Relations Board as are all other rights and privileges guaranteed by the Wagner Act and the Labor-Management Relations Act of 1947.

By plaguing either company or union with suits, the Attorney General could destroy or bankrupt either or both. This double-edged sword which is created by section 121 of this bill, could be used to persecute and hamstring labor or management, depending on what best suited the administration in power at that time. H. R. 627 is a dangerous law in many respects and I feel that one of the most important of these is the effect which section 121 will have in putting labor-management relations into politics.

In my humble opinion, the Members of Congress from the North and West would do well to give careful consideration to the arguments I have presented. I believe that these arguments have force and substance and that this bill will have a serious effect on our traditional concept of labor-management relations. Who knows but that, if this bill is approved in the House, and then in the Senate, and signed into law by the President, a year or so from now those who are presently supporting it may come back into Congress crying for its repeal. I wouldn't be at all surprised.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. HUDDLESTON] has expired.

Mr. KEATING. Mr. Chairman, I rise in opposition to the preferential motion.

We are not concerned with the amendment offered by the gentleman but with his preferential motion to strike the enacting clause. It is the same motion which was made by the gentleman from New York [Mr. MILLER] on yesterday. All those who favor the legislation should, of course, vote against this motion.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Alabama [Mr. HUDDLESTON].

The motion was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

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

Mr. Chairman, the previous amendment offered by the gentleman from Alabama was voted down in substance when the gentleman from Louisiana [Mr. WILLIS] offered an amendment which would have struck out three sections of the bill.

Mr. WILLIS. That is not quite accurate.

Mr. BOYLE. Whether or not that observation is completely and totally accurate, his amendment would have struck section 121 or part III from the bill. Part III supplements title 42, United States Code, section 1985.

The attempt to liken this particular section to the Wagner Act or the Taft-Hartley Act is not quite accurate, because this section, commonly called the Ku Klux Klan Act, and designated part III, adds two new subsections providing additional remedies to the Attorney General giving the right to bring a civil action or other proper proceeding for relief to prevent or redress acts and practices which would give rise to a cause of action under the three subsections of 1985. This subsection is designed to provide a new remedy to secure rights presently protected. It is not intended to expand the rights to give him such necessary rights as he would need in carrying out the congressional intention of this act.

If you are going to recognize civil rights, and if you are going to recognize the need for the protection of those civil rights, then I submit these two sections are most important to see that the legal machinery is set up to carry out and protect those rights.

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

Mr. BOYLE. I yield to the gentleman from Pennsylvania.

Mr. QUIGLEY. It is not very often that I have the pleasure of being able to agree with the distinguished Attorney General of the United States, but I am in full accord with him in this particular now before us. The only way the Attorney General can now move into this

particularly difficult field is under the criminal statutes, and one of the recommendations he submitted to our committee on the occasion of his appearance before us was that the Department be given a civil remedy so that the Attorney General could proceed in this very difficult area to try to work out these problems in the civil side of the court rather than to make criminals out of many otherwise prominent and respectable people in their communities; and I think when we use the civil remedy approach rather than the criminal law approach, and as we get away from the stigma of the criminal law, I think we are making an important step forward.

I agree with the gentleman wholeheartedly that if the amendment offered by the gentleman from Alabama is adopted it would take out of this bill what I consider to be the only provision of the bill which is of real value and of merit.

I join with the gentleman in opposing the amendment.

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

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

Mr. KEATING. I concur wholeheartedly in what was said. This is a very important provision of this bill. To eliminate it would destroy a very important part.

There has been considerable discussion about the use of the phrase "about to engage." These are well recognized words in Federal statutes. This phraseology has been used repeatedly when injunctive relief is sought. The purpose is to prevent the harm being done before it is done.

Mr. QUIGLEY. Mr. Chairman, I ask unanimous consent that all debate on this amendment do now close.

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

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. POFF: On page 25, line 7 through line 11, strike out all the language, lines 7 through line 11.

Mr. KEATING. Mr. Chairman, I make a point of order against the amendment that we have already considered a similar amendment. I would be glad to reserve the point of order if the gentleman wishes to be heard.

Mr. POFF. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, as I understand the rules of the House, a point of order would not lie inasmuch as the amendment which was just offered went to the whole section titled 121 and, having been rejected by the committee, my amendment which goes only to a portion of that title would be in order.

The CHAIRMAN. Does the gentleman from New York desire to press his point of order?

Mr. KEATING. Mr. Chairman, the gentleman's amendment seeks to strike one of two paragraphs which we have just voted not to strike from the bill. I assume, since we have passed upon that matter and have refused to strike the amendment, that this amendment would not be in order.

The CHAIRMAN. The Chair is prepared to rule.

The amendment which the gentleman from Virginia offers seeks to strike out only a portion of the section while the previous amendment was to strike out the entire section.

The Chair overrules the point of order.

Mr. POFF. Mr. Chairman, my amendment is one which I earnestly believe will be acceptable to truly temperate men on both sides of this controversial issue. It is purely juridical and should be entirely unemotional.

The language my amendment would strike begins on line 7, page 25, and reads as follows:

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

It has long been a rule of case law that a litigant has no standing in the Federal court until he has first pursued and exhausted all administrative remedies available to him. This rule was applied and the plaintiff's complaint was dismissed by the United States Court of Appeals, Fifth Circuit, in the cases of *Cook et al.* v. *Davis* (178 F. 2d 595); *Bates et al.* v. *Batte et al.* (187 F. 2d 142); *Peay et al.* v. *Cox, Registrar* (190 F. 2d 1932); *Mills et al.* v. *Woods et al.* (190 F. 2d 201); and *Davis et al.* v. *Arn et al.* (199 F. 2d 424).

This rule of laws is grounded in the principle of the sovereignty of the individual States. It recognizes that the individual States have the jurisdiction and the responsibility to administer the internal laws passed by their legislatures. In administering these laws, the States necessarily have the authority to create administrative agencies which are empowered by the legislature to issue and enforce administrative regulations. These regulations establish the administrative procedure which must be followed by the individual citizen who feels that his legal rights have been abridged or denied.

These administrative agencies and these administrative rules and regulations reach into every field of jurisdiction with which the State and its localities are vested, including health, sanitation, police protection and education.

The Supreme Court in its public-school decree instructed the States to proceed with all deliberate speed. Several Southern States have proceeded and others are proceeding, with all deliberate speed, to develop specific and detailed plans. Some of these plans contain school enrollment regulations which are not based on race, creed, or color. These plans also contain a system of administrative appeals culminating in an appeal as a matter of right to the State courts. That appeal procedure is available to the parents of every pupil who feels himself aggrieved by the action of the local school authorities.

The language of this bill, against which my amendment is directed, would completely and utterly nullify the administrative appeal procedure these plans provide. Thus, these plans, developed at the express mandate of the Supreme Court, could never receive a court test to determine whether or not they comply with the Court's decree.

If this amendment is adopted, it will not mean that an aggrieved party will not have access to the Federal courts. It will only mean that he must first pursue and exhaust all administrative remedies available to him. If the amendment is not adopted, Federal court dockets, already heavily overburdened, will be swamped with frivolous and vexatious cases which otherwise could have been settled out of court by administrative action.

I hold in my hand a newspaper cartoon showing black smoke issuing from a window in the first story of a building. The window is labeled "The South" and the smoke is labeled "Encroachments on States' Authority." Looking from a second story window at the smoke below are two men labeled "Other States." The title of the cartoon is "Just Another Sectional Problem." Members from other States may consider the problem before us today entirely sectional and confined to the South. But Federal encroachment on States' authority is not sectional in its ultimate effect. The fire downstairs, if not quenched, will finally consume the upstairs, too. Indeed, the flames already are leaping up the staircase.

I respectfully urge everyone who would protect, preserve, and perpetuate this one small segment of States rights to support this amendment.

Mr. MURRAY of Illinois. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia [Mr. POFF].

Mr. Chairman, the amendment of the gentleman for Virginia, if adopted, will put the individual whom this bill seeks to assist in obtaining or enforcing his civil rights on a procedural merry-go-round. Under present law it is true in most cases before one can go into a Federal district court to enforce a right he must exhaust adequate State and administrative remedies. Let me explain what that entails. It is Federal rights, not State rights, that we are talking about in this bill. If this amendment is adopted a person before he can go into a Federal district court to effect his Federal constitutional right must apply first to a State trial court if State law provides a remedy. He must then go to the State supreme court or State appellate court and he must then seek certiorari from the United States Supreme Court. If State law provides more than one remedy, he must thus exhaust all. Each State remedy might have procedural pitfalls that prevents an inquiry by the court into the violation of his right.

All this section does is to permit a man to go into a Federal district court immediately after his rights are violated

and not have to go through a maze of State procedures.

We have in Illinois an individual who for about 9 years tried to exhaust his State remedies in seeking a hearing upon the question of whether his constitutional rights were violated. In his most recent proceeding, the United States Court of Appeals in effect said to him, "You have got to go back to the State courts and exhaust another remedy." We certainly cannot expect these people to wait 9 or 10 years before they are able to go to a Federal district court and enforce their rights, which is what can happen if this amendment is adopted.

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

Mr. MURRAY of Illinois. I yield to the gentleman from Pennsylvania.

Mr. SCOTT. I think the gentleman is correct. Certainly, with regard to the exhausting of administrative remedies, the Supreme Court did say in Lane against Wilson that there was no requirement that a party exhaust State judicial remedies before resorting to a Federal court for relief pursuant to a Federal civil rights statute.

However, the requirement of exhausting administrative remedies could be so used as to defeat the entry into the Federal court by establishing so many new State administrative remedies that you could not live long enough to exhaust them.

Mr. MURRAY of Illinois. That is true and a most cogent point. Is it not correct that there are decisions that indicate that before a person can go to a Federal district court he must also exhaust available State judicial remedies?

Mr. SCOTT. In certain other instances.

Mr. MURRAY of Illinois. And the section which the amendment seeks to strike will make it clear that in the enforcement of a Federal right, a person can go immediately into the Federal district court.

Mr. SCOTT. The gentleman is correct.

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

Mr. MURRAY of Illinois. I yield to the gentleman.

Mr. FLYNT. Will the gentleman from Illinois explain to the committee what right the man in Illinois was deprived of, to which the gentleman referred a minute ago? Was that a Federal right or a State right?

Mr. MURRAY of Illinois. It was a Federal right, he claimed he was deprived of whether or not his contention was true has not been decided yet. The individual was held in the State court pursuant to a State conviction and he filed a petition for habeas corpus in the Federal district court claiming that his State conviction was the result of a denial of a Federal constitutional right. The Federal district court refused to inquire into his claim until he exhausted State remedies. When he went into the State court, he found that the procedural aspects of State remedies apparently available were in fact inadequate to test his contention. Yet he had to exhaust each one of these apparent adequate remedies before he could go into a Federal district court.

Mr. FLYNT. Does the gentleman mean to tell us that the State of Illinois deprived a man of any civil rights he might have had?

Mr. MURRAY of Illinois. The State of Illinois never deprives a man of any civil rights. The gentleman is an excellent lawyer as are many other gentlemen who oppose this legislation. I am certain that they can see procedural difficulties in the enforcement of the rights of an individual. If we require the exhaustion of State remedies before access to the Federal district court. If the State provided a remedy, and we were assured that the individual would secure a fair and speedy remedy and adequate relief, I would concur that to maintain our historic balance between State and Federal authority on individual right to exhaust State remedies before access to a Federal court. Unfortunately I have found even in Illinois that State remedies are many times neither adequate or available even though they appear to be.

Mr. CELLER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now cease.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. POFF].

The question was taken; and the Chairman being in doubt, the Committee divided and there were—ayes 60, noes 86.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. POFF and Mr. CELLER.

The committee again divided, and the tellers reported that there were—ayes 81, noes 109.

So the amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. FRAZIER: On page 24, beginning at line 6, strike out all of part II through line 14.

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

Mr. FRAZIER. I yield to the gentleman.

Mr. ELLIOTT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD immediately following the remarks of the gentleman from Tennessee [Mr. FRAZIER].

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

There was no objection.

Mr. FRAZIER. Mr. Chairman, there is no justification for the creation of a Civil Rights Division in the Department of Justice headed by an Assistant Attorney General.

I know from experience that for years and years there has, and now exists in the Department of Justice a Civil Rights Section just as competent to do this work as the new division, and to which section the Attorney General has the right and can assign as many or as few of his highly paid attorneys as he so desires. With this section already established why burden the taxpayers with the creation of another division?

You already have in the Department of Justice headed by the Attorney General, 1 Deputy Attorney General, 7 Assistant Attorneys General, 1 Solicitor Attorney General. Stationed right here in Washington in the Department of Justice are 893 lawyers. You have 94 United States attorneys in the United States. You have 622 assistant United States attorneys. This makes a total of 1,609 attorneys already available to handle cases in the civil-rights area. To say nothing of the innumerable attorneys in every department of the Government.

There is less reason for the creation of an Assistant Attorney General to head the Civil Rights Division than any other section in the Criminal Division of the Department. For instance, last year there were 1,700 criminal prosecutions involving juvenile delinquency. There were 3,413 criminal prosecutions involving stolen automobiles. There were 8,500 criminal prosecutions involving frauds and thefts. There were 1,017 cases involving the violations of the Selective Service Act.

If this new Division is set up how many assistants to the Assistant Attorney General will be required? Mr. Maslow, general counsel, American Jewish Congress, testified this Division should have at least 50 lawyers. And of course each of those lawyers would have to have his staff and clerical help.

How many cases come before the Department of Justice and the FBI in the so-called civil-rights area. Mr. Olney, head of the Criminal Division, Department of Justice, testified just a few months ago that during the fiscal year 1955 there were 224 cases referred to the Criminal Division involving civil rights. These included not only racial cases but cases involving other matters. During the first 6 months of this year there were only 58 cases referred.

Mr. Hoover, who is head of the FBI, testified before the Committee on Appropriations during this session of Congress in regard to the number of cases which came before the Department of Justice and the FBI in this area.

Mr. Hoover testified that during the fiscal year 1955–56 there were 1,275 complaints in the category of civil rights of which 1,060 did not go beyond preliminary investigation and were thrown out. Which left, according to Mr. Hoover's testimony, 115 full investigations resulting in 20 indictments and 4 convictions during fiscal year 1955.

With all that talent, they could find only 20 cases worthy of prosecution and were able to secure convictions in but 4 cases.

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

Mr. FRAZIER. I yield.

Mr. QUIGLEY. Not taking issue with any of your statistics, does not the gentleman agree that the recommendation of the Attorney General incorporated in this bill was to create a new civil remedy, and it is with that new civil remedy in mind that the Attorney General made the second recommendation that there

should be a subsection in the Department with an appropriate head and appropriate staff?

Mr. FRAZIER. Of course, I agree that that is what the Attorney General wants, and that is what we do not want.

Mr. QUIGLEY. Does that not nullify his statistics about the very few cases involving criminal rights? He wants to get away from the criminal section and get a civil remedy.

Mr. FRAZIER. Of course, that is what the Attorney General wants. There is no possible way on earth for you or me or anyone else to determine how many instances the Attorney General is going to go into and investigate in the civil rights field.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. FRAZIER] has expired.

Mr. ELLIOTT. Mr. Chairman, the omnibus civil-rights bill now before us is the rawest kind of political bid for the Negro vote. Every Member of Congress, whether for the bill, or against it, recognizes it as such. In my judgment, millions of Negroes will resent having this bill dangled before them as bait with which to trap their votes in the forthcoming elections.

I have regularly attended the debates on this bill ever since they started several days ago and no one even claims or asserts that this bill has any chance of passage whatsoever. It is recognized, even by its most ardent advocates, as being altogether an effort to get votes. If the bill passes here, and I hope it will not, everyone knows that it has not the slightest chance of passing the United States Senate.

Let us examine its political background. There is no secret about it. You have heard it from the highest and most distinguished leaders of the Republican Party in the United States House of Representatives. They all say that this is the Eisenhower bill, that the President wants it passed.

On yesterday, we heard the minority leader of the House the gentleman from Massachusetts [Mr. MARTIN], the former Speaker of the House, say to his Republican colleagues:

> I want to tell the Republicans in this House if they follow the southern democracy in the defeat of this bill, they will seriously regret it.

Again, the gentleman from Massachusetts said in reply to the gentleman from Texas [Mr. DIES]:

> Why, my friend, this bill has been jockeyed into the position where the one group who will be blamed for the defeat of this bill, if it is defeated * * * is the Republican Party. Those are the real facts.
>
> I just want to point out to the Republicans not to fall into this trap. * * * If you scuttle this bill, you will be scuttling a bill which has been favored by the President of the United States. You will be scuttling a bill that has been formulated by the Attorney General.

Mr. Chairman, I submit that there is no higher authority than that which I have quoted to illustrate the interest of the Republican Party in the passage of the bill before us.

However, this bill is bad.

In it, we are asked to create a Commission on Civil Rights to be composed of six members appointed by the President.

I ask you whether or not this sounds like a Commission that has been well thought out in advance. Why, Mr. Chairman, there is not a single safeguard in the appointment of this Commission. There is no mention of the qualifications, other than political, that members of this Commission shall have. Operating in the most sensitive field of human affairs, the relationships of the races, one that has been stimulated to sensitivity almost beyond the imagination by a series of Court decisions, including the school decisions, this Civil Rights Commission from ought that appears in this bill would have no qualifications whatsoever. Should the Commission be made up of distinguished lawyers and judges, or educators, or ministers? If so, there is nothing in the bill that says so. Should the South, where the bulk of the Negro population is located, be represented on this Commission? There is nothing in the bill that says so.

Then the bill proceeds to state the duties of the President's Commission on Civil Rights. It says that the Commission shall investigate the allegations that certain citizens of the United States are being deprived of their right to vote, or are being subjected to unwarranted economic pressures by reason of their color, race, religion, or national origin. If such a Commission is to be set up and if it is to make such investigations, then why should the scope of its investigations be limited to those people who have allegedly been deprived of only those rights which have been specifically mentioned? There are many other rights and their are many allegations from time to time of their violation. We do not live in Utopia. We are not perfect.

The answer to that is easy. It is that this bill is a bald approach to the Negro vote in the forthcoming elections. That is its purpose and nothing more.

The Commission is required by the bill to report only to the President of the United States. There is no congressional connection with and no congressional control over the exercise of the powers and the proceedings of this Commission. I for one am not going to give the broad powers in this bill to any commission and Mr. Chairman, I have just begun to describe the shortcomings of this bill. There are many more, some much worse than the ones I have thus far mentioned.

Another very objectionable feature of the bill, as I see it, is the power vested in the Commission to accept and utilize services of volunteers and uncompensated personnel.

The Members of this House know that there are organizations in this country dedicated, it appears, to the creation of racial discord and unrest. They stir up civil strife and hatred, and I shudder to think what might happen if members of such organizations were to volunteer, and the Commission were to accept their services. It would create trouble all over this country. Apparently, there is no limit on the Commission's powers. It is given the power to set up a multitude of advisory committees and is authorized to consult with such private organizations as it deems advisable. Even all Federal agencies are directed to cooperate fully with the Commission.

The Congress is called upon to give this Commission the power of subpena—a power that is seldom used by the Congress of the United States and almost never used by its own committees. The subpenas may be served by any person designated by such Chairman. The bill provides that if a citizen refuses to obey a subpena, that the district courts of the United States are at the beck and call of the Commission to require the "person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

In other words, the naked power granted this Commission would enable its subcommittees to rove over this country stirring up strife and discord and discontent, and then being the instrumentality through which people who refuse to cooperate are put in jail.

The bill goes much further. It provides for an additional Assistant Attorney General.

That is not all. Listen to this—the Attorney General is given the broad power to institute in the name of the United States "for the benefit of the real party in interest, a civil action," or other proceeding "for redress, or preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order." This extraordinary power granted to the Attorney General of the United States comes into play—and listen to this, Mr. Chairman—"whenever any persons have engaged or are about to engage in any acts or practices which would give rise to a cause of action pursuant to the first 3 paragraphs of section 1980 of the revised statutes."

Now, I feel certain that no Attorney General has ever been granted such broad powers as would enable him to bring such actions as I have described when, in his judgment, any persons were "about to engage" in certain acts. In other words, to bring this suit, the Attorney General, or one of his multitude of lawyers, must believe that some person is "about to engage" in some practice, and then, as I read this proposed law, the Attorney General does not even have to have the consent of the person in whose alleged interest the action is brought. This statute gives the Attorney General the authority to bring lawsuits for private individuals without their consent and thus goes further than any similar statute ever enacted in the United States.

Mr. Chairman, I want to leave these thoughts with the Membership of the House with reference to this matter: What have we done and what do we propose to do with the real opportunities for America's citizens as embodied in legislation now before the Congress? A very few weeks ago now, there was before this House a bill to provide a program of school buildings and classrooms for the school children of America, white and colored, and I will say to the

Chairman that had the leaders and gentlemen on my left shown as much interest in that bill as they profess to show in the bill before us, we might very well now have been on the road to a program of building a half million classrooms for 15 million American school children.

Every American citizen deserves an opportunity to own a home. The old folks of this country are entitled to adequate shelter. Public housing serves a great need for persons of low income, for the disabled and for those who otherwise must live under slum conditions, and yet, Mr. Chairman, the Housing bill languishes as yet unacted upon.

In 50 congressional districts in America, there are pockets of unemployment eating like a cancer on the economic body. Yet, there appears to be no effort to pass a bill providing civic rehabilitation and reemployment for these areas. I am interested, and have always been interested, in legislation that would bring opportunities to every American citizen. I regret that we must spend the closing days of this session on such a useless bill.

The bill before us will cause strife and trouble, and hatred, and discord and discontent and distrust among the people of this Nation. It should not be enacted. It should be defeated while we turn our efforts to more constructive endeavors.

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

Mr. Chairman, it was very clear from the testimony by the Attorney General that there has been a great increase in the work of what is now a section, and that it would be anticipated there would be additional work, some of it arising out of the passage of this legislation, in the civil field. He pointed out the recent participation by the Department of Justice as a friend of the court in a civil suit to prevent, by injunction, the unlawful interference with the efforts of the school board in a town in Arkansas to eliminate racial discrimination in the school, in conformity with the Supreme Court's decision.

There are bound to be additional cases arising under this and other legislation of a civil character apart from any criminal procedure, but that is not alone the reason, perhaps it is not the essential reason for the creation of a separate commission in the Department of Justice.

At the present time the Civil Rights Section is in the Criminal Division of the Department of Justice, and one of the reasons why I personally look upon this bill as a moderate approach and a constructive approach to the problem of civil rights is because of the stress laid by the Attorney General in the utmost sincerity on the fact that many of these cases do not lend themselves to criminal prosecution; the persons involved, the natural defendants in many instances, are prominent public officials or others whom we normally do not think of as being in the criminal category, and it seems entirely inappropriate that the Civil Rights Section should be a part of the Criminal Division of the Department any more than they should be under the Claims Division or some other division with an entirely separate function.

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

Mr. KEATING. I yield.

Mr. ROOSEVELT. Is it not also true that while it is true for the reasons the gentleman has pointed out that very few actual cases may have been prosecuted and convictions resulted, it is also true that in the year 1950 between 12,000 and 15,000 complaints reached the Department. They were, of course, completely overwhelmed and could not accommodate them properly. Therefore there is a distinct need.

Mr. KEATING. I am sure the administration of this law or other laws relating to civil rights would be greatly improved and strengthened by the creation of a new division.

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

Mr. KEATING. I yield to the gentleman from Georgia.

Mr. FORRESTER. I would like to get some information from the gentleman from New York, and I am sure if I cannot get it from him I cannot get it from any Member of the House, because I know of no Member of this body who is in more intimate touch with the Department of Justice than the gentleman from New York. You talk about furnishing an Assistant Attorney General. Will the gentleman tell the House how many assistants to the Assistant Attorney General would be required under this law?

Mr. KEATING. I cannot answer the gentleman; I do not have the responsibility for the administration of the Department of Justice. I will say this to the gentleman, that the Congress has the eventual control over that by virtue of the purse strings, and if the Attorney General seeks to load up the Department with unnecessary personnel I assume Congress will not approve it.

Mr. FORRESTER. Was it not stated in the record that he would want at least 50 or more assistants to the Assistant Attorney General?

Mr. KEATING. I do not know that that is in the record. If the gentleman tells me categorically that it is I would not dispute him, for the gentleman is a very honorable Member.

Mr. FORRESTER. I appreciate that. I know the gentleman would tell me if he knew, but I will say to the gentleman that he will find in the record that Mr. Maslow, I believe, of the Jewish Congress, testified that a minimum would be fifty and probably more.

Mr. KEATING. I do not know what Mr. Maslow may have said. After all, the ultimate responsibility for it would rest with the Attorney General, not some witness.

Mr. FORRESTER. And that is why I asked the gentleman to tell me and measure up to his responsibility.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment do now close.

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

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. FRAZIER].

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 49, noes 89.

So the amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 24, strike out all of lines 1 through 5.

Mr. GROSS. Mr. Chairman, all my amendment would do would be to strike out the appropriation of any unappropriated funds to finance this program which gives almost unbridled authority to a few people. I do not know whether there is anyone on the floor of the House today who can tell me whether there are any unappropriated funds left in the Treasury. From the way this Congress has been spending money, I doubt it.

Now, Mr. Chairman, I want to ask a question or two. The report accompanying this bill is one of the most unusual I have ever seen come from a committee. I find in the report not a single statement from the Budget Bureau, the President or anybody else in support of this specific legislation. Moreover, I find no statement from President Meany of the AFL-CIO or no statement from Walter Reuther, president of the United Auto Workers. There are several thousand AFL-CIO, and United Electrical Union members, in the district which I have the honor to represent.

Will the chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], tell me whether Mr. Meany or Mr. Reuther or any representative of the AFL-CIO appeared before your committee in behalf of this bill—not any other bill but the one before us today?

Mr. CELLER. I have before me a rather hefty volume of many, many people who appeared before the committee on this bill and similar bills.

Mr. GROSS. On what bill?

Mr. CELLER. On this and similar bills involving civil rights.

Mr. GROSS. Did the gentleman hold any hearings on this bill, as amended?

Mr. CELLER. Yes, we did.

Mr. GROSS. Did any representative of the AFL-CIO appear before your committee in behalf of this bill and the language contained therein? That is what I want to know.

Mr. CELLER. The hearings were before a subcommittee. I was not present at all the hearings. I am trying to run down the index here to find out.

Mr. GROSS. He cannot say whether the gentlemen I have mentioned or their representatives appeared before his committee. Was there any representative of the American Bar Association who appeared in behalf of the language contained in this bill?

Mr. CELLER. Would it make any difference to the gentleman if Mr. Meany approved the bill or disapproved the bill?

Mr. GROSS. I will say to the gentleman that I have sent a wire to Mr. Meany and a wire to Mr. Reuther asking their position on the bill presently before

the House. As yet I have had no word from them. But, certainly, if they or their representatives were interested in this bill, they would have come before your committee.

Mr. CELLER. It would be a sorry state of affairs if the Congress could not legislate until they had heard——

Mr. GROSS. Wait a minute. The gentleman knows that that is not an answer to the question I asked.

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

Mr. GROSS. I yield to the gentleman from Florida.

Mr. HALEY. I might say to the gentleman, if he has examined the hearings, that I think they had less hearings on this bill than on any bill that has been before the Congress of the United States in the past 25 years, affecting 25 million people.

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

Mr. GROSS. I yield to the gentleman from Georgia, a member of the Judiciary Committee.

Mr. FORRESTER. I would like to say to the gentleman that, of course, there were no hearings. That is what I have been complaining of.

Mr. GROSS. That is enough. I appreciate the gentleman's answer and thank him.

The gentleman from New York [Mr. KEATING] has disappeared. I wanted to ask him the same question that I asked the other gentleman from New York [Mr. CELLER].

Mr. FORRESTER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes, go ahead, since he is not here.

Mr. FORRESTER. I would like to say to the gentleman with reference to the bill we have before us that the Attorney General appeared before the full committee and made a statement, and in about a matter of a minute his bill was voted out. If the gentleman calls that a hearing, then you had a hearing; otherwise, no.

Mr. GROSS. And is that the only statement that appears in this report? Is that true?

Mr. FORRESTER. That is exactly right.

Mr. KEATING. Mr. Chairman, did the gentleman have a question he wanted answered?

Mr. GROSS. Yes. I will ask you the same question: What is the position of the AFL–CIO on this legislation?

Mr. KEATING. I have no idea about that. I am not their spokesman.

Mr. GROSS. Were they invited to appear before your committee?

Mr. KEATING. I think they were.

Mr. GROSS. To testify on this bill?

Mr. KEATING. I think they ap- the AFL-CIO on this legislation?

Mr. GROSS. Of the language in this bill?

Mr. KEATING. No.

Mr. GROSS. That is what I thought.

Mr. KEATING. Some other bill.

Mr. GROSS. Let me ask the gentleman another question.

Mr. KEATING. I am sure, if the gentleman wants to get their views, he will find they favor this legislation.

Mr. GROSS. I have been told that the American Bar Association does not appear before the Judiciary Committee unless invited. Now, did the American Bar Association favor this legislation?

Mr. KEATING. The gentleman is wrong. The American Bar Association frequently asks to appear.

Mr. GROSS. Just a moment. Did the American Bar Association testify in connection with the language contained in this bill?

Mr. KEATING. It is not my recollection that they did.

Mr. GROSS. I did not think so.

Mr. Chairman, I reiterate that this proposed legislation would give almost unbridled authority to a few people in Government to regulate the lives and activities of millions of our citizens. It seems most unusual that the leaders of the great labor organizations were given no opportunity to testify on the specific provisions of this bill; that the American Bar Association is not recorded as having had anything to say on a measure of such sweeping legal ramifications.

I was deeply impressed by the statement made yesterday by the gentleman from New York [Mr. MILLER], himself an attorney and a member of the Judiciary Committee, who asserted that any attorney would be disbarred from practice if he attempted to do some of the things that would become legal under the terms of this proposal but restricted to the use of the United States Attorney General.

Unquestionably there is a need for civil rights legislation and I would support a well-considered bill to improve and implement present laws on that subject. The record of this debate clearly shows that this is hastily drawn, poorly considered and dangerous legislation.

It is reported that the Attorney General has issued a legal opinion which holds it to be the right of the Federal Government at any time to cancel any contract with any agency, public or private, which permits discrimination on the basis of race, creed, color or national origin.

Moreover, the gentleman from Illinois [Mr. BOYLE], a member of the Judiciary Committee, and a supporter of this bill, had this to say during general debate:

> The Attorney General under present law, if he wanted to avail himself of the legislation on the books and wanted to exhaust all its possibilities and handle it well, could at the present moment institute almost all of the actions spelled out in this bill before us.

Mr. Chairman, this is a political bill; not a bill to improve and protect civil and constitutional rights. It is an open secret that there will be no vote on this bill today nor will there be a vote tomorrow, even though the House will be in session. Why has the vote been put over until Monday? Because the bill, under this delaying action, will probably not even go to the other body until Tuesday. Does anyone contend, with a straight face, that with adjournment of Congress only a matter of a few days, this legislation will meet any other fate in the other body than a quiet burial—a burial without benefit of clergy?

I reiterate that this is a political bill. It is not designed to become law in this session of Congress and the American people ought to know the truth.

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

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

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

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

Mr. CELLER. I wanted to state for the edification of the gentleman from Iowa that Mr. William H. Oliver, co-director of the fair practices and anti-discrimination department, UAW-CIO, accompanied by Paul Sifton, national legislative representative, UAW-CIO appeared before the subcommittee of the Committee on the Judiciary in connection with several of the many bills, all similar, appertaining to civil rights, and in favor of the import of the bill now before us.

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

Mr. ROOSEVELT. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman say that they testified to the bill as it is presently before the House?

Mr. CELLER. No, not specifically; I would not say word for word, but the principle is similar in all those bills that were before the subcommittee.

Mr. ROOSEVELT. Mr. Chairman, in order that the record may be very clear, I call the attention of the House to the fact that the AFL did appear before the Senate Committee on the Judiciary on civil rights on May 25, 1956, on this specific bill, and that is a part of the record. And I will be very happy, for the information of the gentleman from Iowa, to read or to put that into the record, as I obviously will not have time to read it. The AFL-CIO are for this bill, and every Member of this House, I believe, received a letter from Mr. Reuther of the CIO asking their attendance on the floor in support of the bill. So, I think there is no secret where organized labor stands on this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. ROOSEVELT. I yield.

Mr. GROSS. Let me say to the gentleman that I have received no such letter.

Mr. ROOSEVELT. Well, I cannot explain the Post Office Department, of course. I know it was given general distribution.

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

Mr. ROOSEVELT. I yield to the gentleman from Georgia.

Mr. FORRESTER. Does the gentleman say that there was such a letter made a part of the record with the House Committee on the Judiciary?

Mr. ROOSEVELT. No, I do not. I said this statement was delivered by the representative of the AFL before the Senate Committee on the Judiciary, on exactly the same bill.

Mr. FORRESTER. Well, I am glad the gentleman straightened that out, because I was at all of those meetings

and I knew it never occurred in the House Committee on the Judiciary.

Mr. ROOSEVELT. That is correct.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I am always happy to yield to my great liberal friend from Mississippi.

Mr. WILLIAMS of Mississippi. Inasmuch as this legislation is admittedly directed at the people of the Southern States, both white and colored, is it not a fact that nobody appeared before the committee to represent the people who will be affected, who are the targets of this legislation?

Mr. ROOSEVELT. Mr. Chairman, may I first say that I do not think that is generally admitted. I would not admit it myself. I think the question should be directed to the committee because I am not a member of the committee.

Mr. BOYLE. Will the gentleman yield?

Mr. ROOSEVELT. I yield to my good friend and member of the committee.

Mr. BOYLE. Nobody appeared before our committee to justify some particular legislative viewpoint. We thought this was an area that needed some help, and this is an honest effort and an intelligent effort, I submit, to arrive at an honest, fair, workable piece of legislation. In answer to the distinguished gentleman from Iowa [Mr. GROSS] I would say that Mr. Oliver did appear on behalf of the AFL-CIO and his testimony is to be found at page 311 of the hearings.

Mr. GROSS. Mr. Chairman, will the gentleman yield to me?

Mr. ROOSEVELT. I am always happy to yield to my friend from Iowa.

Mr. GROSS. Would the gentleman also put in the record the statement of the American Bar Association in support of this legislation?

Mr. ROOSEVELT. I do not have such a statement so, naturally, I cannot put it in the record.

Mr. BOYLE. Mr. Chairman, would the gentleman yield further?

Mr. ROOSEVELT. I yield to the gentleman from Illinois.

Mr. BOYLE. I talked with the President of the American Bar Association and he said as a matter of policy he did not want to submit anything for the purpose of the record. The fact that he happens to come from Georgia or some southern State did not, I am sure, have anything to do with his lack of desire to submit a declaration of policy for the record.

Mr. FOUNTAIN. Mr. Chairman, would the gentleman yield to me for the purpose of asking the gentleman from Illinois [Mr. BOYLE] a question?

Mr. ROOSEVELT. I yield to the gentelman from North Carolina.

Mr. FOUNTAIN. I should like to ask the question if a single representative, public official, local or State, of any State in the Union appeared before the gentleman's committee with respect to this particular bill or any other legislation of this nature.

Mr. BOYLE. The question is rather broad. I would have to go through these three volumes to answer it categorically. My opinion at the moment is that no one individual in that category did, but I want to assure the gentleman that nobody was precluded from appearing. The hearings were set after due and proper notice and all persons desiring were accorded an opportunity to be heard if they wanted to avail themselves of the opportunity.

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

Mr. CELLER. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 59, noes 90.

So the amendment was rejected.

Mr. HOFFMAN of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN of Michigan. How does a Member get the floor now, or any time before adjournment?

The CHAIRMAN. I know of no adjournment.

Mr. HOFFMAN of Michigan. I cannot offer an amendment now?

The CHAIRMAN. The Chair is not aware of any adjournment agreement.

Mr. HOFFMAN of Michigan. Is there a gentleman's agreement?

The CHAIRMAN. Not to the knowledge of the Chair.

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

The Clerk read as follows:

Amendment offered by Mr. TUMULTY: On page 27, line 9, add a new subsection:

"(e) *Provided,* Nothing in this act shall affect the private schools in the United States, its Territories, or in the several States or Territories."

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment.

Mr. TUMULTY. Will the gentleman withhold the point of order so that I may make a statement?

Mr. CELLER. I reserve the point of order, Mr. Chairman.

Mr. TUMULTY. I thank the gentleman very much.

Mr. Chairman, I know it is late to rise to address you at this time in this guise, but truthfully my eyes are sore from reading the small print in this bill. They are sorely affected by it.

I have been waiting around for the past couple of days to get some answers to some questions. I listened with great interest to the speech of the gentleman from New York [Mr. POWELL]. On page 13176 of the RECORD he said:

This legislation—

Meaning the legislation at hand—

comes much too late, it is too weak for the job that should be done and carries in its language dangerous loopholes which could be used in the wrong hands to hurt those whom we are trying to help.

In addition, on the same page he stated:

It is filled with dangerous loopholes as has been charged.

He further stated:

It is conceivable that it might be used against trade unions conducting boycotts of firms or products which they deem to be unfair to organized labor.

He said that he was really voting for it as a symbolic gesture.

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

Mr. TUMULTY. I yield.

Mr. CELLER. The gentleman is quoting from a man who should have been in this Chamber throughout this debate but who has seen fit to travel away from this Chamber and is now in Europe. This distinguished gentleman from New York, I firmly believe, had a stern duty to remain here throughout this debate.

Mr. TUMULTY. Mr. Chairman, I admire that statement. But with a bill as dangerous as this, with all the loopholes that this has, with a bill that can be described as loose as Mamie Stover, why would he go off and expect us to do his work for him? That is what I want to know.

As a member of the legislature I voted for civil rights in New Jersey. I voted for his amendment to the school aid bill. Unfortunately, because of it the schools of this country suffer.

The other day a gentleman identifying himself as for this bill called me from the Chamber and said, "You ought to be ashamed of yourself for associating with the southern Members on this bill." I said, "We associate with them when they have the prayer here at the beginning of the session and I have a duty to argue the merits of this bill."

I want to know fairly and honestly, on the level, are you really trying to help these people, or is this a fight that somebody starts and then takes a junket to Europe and forgets about? I feel there is no reason why I should stay here and do the difficult work when he should be here. Mainly because of his absence, I expect to vote against this legislation.

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

Mr. TUMULTY. I am very happy to yield.

Mr. HAYS of Ohio. Does not the gentleman think, in view of the fact that the gentleman from New York [Mr. POWELL] offered the amendment which was used as a vehicle by the Republicans to kill the school bill, and that bill, I think, would have done the minorities a lot more good than this one, that it would be a good idea that we just postpone voting on this bill until he gets back?

Mr. TUMULTY. That is a splendid idea. I think the Committee should rise and wait until he returns and explains what he meant by that speech.

To speak seriously just for a moment, this is very important. That is something which involves a very important matter. We cannot legislate love. If we could, there would be no divorces. We have to work this problem out together in a spirit of friendship and respect for each other. This is a bill which is reprehensible to anybody who knows anything about law. It gives absolute and capricious power to the Attorney General to do anything he wants. I think

we should get together and in a spirit of friendship resolve this problem, but not until this thing is done.

There are too many people making a career out of this sort of business, who are more interested in drawing an audience, getting applause or whatever they get, or getting Members, but who do not really care about the people they are fighting for. I happen to care for them and I am willing to fight for them. But I am not going to fight for them by going through the pretense of doing something and then going back and, knowing I have done nothing, saying, "Boys, I am your friend." Knowing as I speak I have done nothing. "When I am with you I am with you. When I am against you I am against you."

I hope my words carry overseas to where Mr. POWELL is now staying, so that they might call him back.

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

Mr. TUMULTY. I yield.

Mr. CELLER. Does the gentleman withdraw his amendment?

Mr. TUMULTY. I shall be very happy to withdraw the amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of North Carolina: On page 23, line 6, after the word "advisable" strike out the balance of line 6 through line 24.

Mr. JONES of North Carolina. Mr. Chairman, I shall take only a moment or two to explain this amendment. If you will turn to page 23 on line 6, after the word "advisable" you will find my amendment strikes out the balance of the page. In effect, the amendment strikes out the subpena power. The bill, as it is written, creates a Commission and confers upon that Commission the power of subpena. In addition to conferring that power, it also provides for the punishment for the failure to appear in obedience to the subpena. If this power is given to the Commission the chairman or a chairman of one of the subcommittees would have the power and authority to order any person within the United States to appear and testify, produce any records, open books, and so forth for the Commission. If an individual citizen refuses to obey that order, then under this bill, as it is now written, a member of the Commission can go to the Attorney General and request the individual be ordered by the Federal district court to obey the subpena. If the person then still refuses to come in and testify, he can be cited for contempt and punished. My amendment strikes out that power from the bill. I think it is a good amendment and should be adopted.

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

Mr. JONES of North Carolina. I yield.

Mr. GROSS. On page 26, subsection (b), there is this language:

No person, whether acting under color of law or otherwise—

What does this "under color of law" mean? Does that have anything to do with racial color?

Mr. JONES of North Carolina. I believe that means acting under color of law or under some authority of law or pretended authority of law or apparent authority of law and so on.

Mr. GROSS. That is not something the lawyers have hatched up on this committee?

Mr. JONES of North Carolina. It is not my language, let me say to the gentleman.

Mr. Chairman, I urge the adoption of the pending amendment.

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

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

Mr. KEATING. I yield.

Mr. BOYLE. May I say to the gentleman from Iowa who just put that question that that is the very language of the Hatch Act, if he wants to know.

Mr. KEATING. It is a very common expression in the law. It is what we lawyers call a word of art.

Mr. Chairman, I would like to finish this point first, and then I will yield to the gentleman.

Mr. Chairman, this subpena power is normal in the case of these executive commissions that have been created by statute, as I understand it. It is a power which a congressional committee has. It is, of course, not used in every instance, but it is essential to a thorough and complete inquiry that the commission have the power of subpena so that a reluctant witness can be forced to come in and testify even if he does not want to. It is not a very satisfactory investigation if the only people who are called before you are those who want to come because they have some ax to grind. It is necessary in the conduct of any efficient, thorough, impartial investigation to be able to force the attendance before the Commission of those witnesses that the Commission feels should testify.

I hope the amendment is defeated.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment now cease.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. FORRESTER. Mr. Chairman, there are many commonplace things occurring in a lifetime. Just a few things occur that are mountaintop experiences. I suppose that is what makes them stand out in our memories and insures them immortality. One of those experiences of my life has been the observation of the members comprising the legal profession of the North, South, East, and West. After 30 years' experience as a Georgia lawyer and 6 years service as a member of the House Judiciary Committee, I will always remember how that ordinarily members of the legal profession divide on the question of party, but in the final analysis lawyers revert to that which they believe to be the law.

I will never forget the stunning rebuke by the House Judiciary Committee to the Attorney General McGrath, who wanted to appear in executive session with our committee. It was tantamount to a request to enter the jury room and discuss his case while the jury was deliberating on its verdict. I helped administer that rebuke to that Attorney General, who was a member of my political party.

Another, when members of the House Judiciary Committee rose up and told the present Attorney General that under no circumstances would they give him the power that he insisted upon, which would make him lawyer, judge, jury, and hangman in the wiretapping legislation.

The outstanding memory of all, however, was the action yesterday of one of the great lawyers of this House and a ranking member of the House Judiciary Committee, the gentleman from New York [Mr. MILLER]. For courage and statesmanship his action has never been surpassed. It was in the finest and highest traditions of his profession. To those who would minimize and to those who would threaten, let me say the ethics of the legal profession transcend the loyalty to any political party and anyone who assaults that standard, though he be the leader of a political party, cannot hope to win. The gentleman from New York [Mr. MILLER] yesterday wrote his name for all time in the illustrious pages of history reserved only for the great. In one bound, he arrived at a place that some, though they spend a lifetime in Congress, will never attain. His reasoning against H. R. 627 is unassailable, and this statement is proved by the fact that none of the lawyers on the House Judiciary Committee challenged anything he said. I might add that he wanted to do a great service not only to his country, but to his profession, and he knew, as we also know, that the powers which the Attorney General requested are not only dangerous, but the socializing of the legal profession in the civil-rights field. To the bench and bar, I say that no longer would a private practitioner or lawyer represent a plaintiff in the civil-rights field for a fee if the Attorney General's wishes prevail, for that right would have been preempted by the Government. So, as a lawyer, and in common with that profession, this House is proud of BILL MILLER. The country needs his services for years to come, and I have the idea that the members of his profession and the good people of his district will see that our common country will be furnished with his services.

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

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: On page 25, after line 6, insert a new section:

"Fourth—subsection (a). Whenever any private individual believes the Attorney General or any representative of the Federal Government has engaged or is about to engage in any acts or practices authorized in this act, such private individual many institute for

the real party in interest a civil action or other appropriate proceeding for redress, or preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person."

Mr. KEATING. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. WHITTEN. Will the gentleman reserve his point of order?

Mr. KEATING. I will reserve the point of order.

Mr. WHITTEN. Mr. Chairman, this amendment which has been presented, would attempt to give to the people of the country somewhat the same rights that this act would give to the Attorney General.

Part 3, section 121 provides as follows:

Whenever any persons have engaged or are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs first, second, or third, the Attorney General may institute for the United States, or in the name of the United States but for the benefit of the real party in interest, a civil action or other proper proceedings for redress, or preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

I do not mean to belabor the meaning of that section. It has been discussed quite thoroughly here. I think it is generally agreed that under that section the Attorney General could file suit in the Federal Court with or without the consent, or even against the wishes of the individual who he thought was aggrieved or was about to be aggrieved or his rights jeopardized. That suit would be against certain private individuals, yet the cost for filing the suit would be borne by the United States, but the citizens who were parties defendant would be liable for their costs, attorney's fees, and things like that.

The amendment which I offer here would give that same right to the private citizen, using the same language that is included in the bill. Whenever a citizen saw that the Attorney General, or any representative of the Federal Government, was about to engage in any action, which would bring people into court as parties defendant, then that individual could go into a Federal court, with the Federal Government standing the cost, so that at least such private individual would be in a position of equality before the court.

With regard to the point of order which has been made, I would like to address myself to that for a moment.

This bill is broad enough to make this amendment germane, and I refer to its title as follows:

To provide means for further securing and protecting the civil rights of persons within the jurisdiction of the United States.

I would respectfully submit that if this bill gives the right of the Department of Justice to file suit against individuals in the United States against the wishes of the party plaintiff for causes of action or for anticipated acts because he believes they are "about to engage," thereby making other citizens parties defendant then I respectfully submit that an amendment that would permit that citizen himself to take action to enter the court first as a complainant when he could foresee action was going to be taken against him or others in the same forum. Certainly that would be acting in line with protecting his rights, and to authorize such action by private citizens would be clearly within the title of the bill which reads: "To provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States". How could there be any question but that protection should be given to American citizens under the terms of this bill who might be pulled into court because some Attorney General had anticipated that they were about to engage in something toward which they had made no overt act? Why should not some right be given to that man who could foresee that the Attorney General was going to take action against him, however unwarranted? Under my amendment, the private individual would appeal to the same Federal court. He would be authorized to ask the court to—"Please get these Federal men out of Washington off of me. They admit I have not yet done anything, but Mr. Brownell, I have reason to believe, feels that I am about to engage in something that I have no idea of doing and therefore, if it please the court, I would like to have an injunction or a restraining order against Mr. Brownell because the minute Mr. Brownell files such a charge against me my business will suffer. I am in private business. He accuses me of trying to do something unfair to the labor in my shop."

I say this bill is far removed from offering any real protection for civil rights. As I said yesterday, the greatest danger to civil rights is the power you give the Attorney General under the terms of this bill, but if you must pass this bill, I respectfully submit you should permit the citizen to protect himself by going into court first, on equal terms, as my amendment would provide, instead of having to wait until he was brought into court on complaint of his Government on what might be a basis wholly unfounded.

Mr. KEATING. Mr. Chairman, I insist on my point of order.

Mr. Chairman, we are here seeking to amend section 1980 of the Revised Statutes. The first three sections provide for certain remedies in cases of interference with a United States officer in the performance of his duty. That is the first paragraph. The second paragraph, interference with a court officer, or the obstruction of justice; and in paragraph 3, a conspiracy to deny the equal protection of the laws or to prevent the exercise of voting rights.

In the section that we are seeking to add here it is attempted to give the right to the Attorney General to institute the same kind of suit which the individual could bring now under paragraphs 1, 2, and 3.

What the gentleman from Mississippi is seeking to do, as I read his amendment, is to give a cause of action to an individual against the Attorney General. Perhaps we should broaden, extend, or consider the statutes relating to the liability of a public official for not doing his duty, or going beyond the scope of his duty. These are statutes on our books having to do with the violation of duty by a public official and the right of those injured thereby. But that has nothing to do with the legislation we are considering here today. Therefore, the amendment offered by the gentleman is not germane to the bill.

The CHAIRMAN. Does the gentlemen from Mississippi desire to be heard?

Mr. WHITTEN. Mr. Chairman, I would like to point out to the Chair that under the terms of the bill all the American citizen, a private individual, can do would be to stand by until he became a party defendant to an action by the Attorney General. I respectfully submit that in a bill the purpose of which would be to give the Attorney General certain rights of action and under which the private individual could only be the defendant and would have to stand by until sued or go into court as a defendant, certainly it would be in order to amend such a bill to permit the private citizen not to have to wait until he is made a party defendant, but to authorize him the choice of entering the court voluntarily to protect himself. If he is suable and subject to being brought into court, he should in all fairness, and I think under the rules of the House, my amendment is in order for clearly he should be permitted to have the bill amended so that he might go into court first prior to having these charges brought against him.

My amendment does not say that a restraining order shall issue automatically, it does not say that the court shall issue an injunction, but when the private individual is about to be brought into court on the basis this bill authorizes, he shall have the right to go into court in his own behalf and ask that the court issue such orders as will protect his interest.

I submit it is clearly germane and clearly in line with the intent of this act. May I go further and say it certainly is absolutely essential, if we are to pass this bill in its present form that we give some means for the party who would be a party defendant or might be under the terms of the bill, to go into court first, where the issues might be heard on a fair basis and become the complainant in an effort to prevent these anticipated actions by the Attorney General.

The CHAIRMAN (Mr. FORAND). The Chair is prepared to rule.

The gentleman from Mississippi [Mr. WHITTEN] has offered an amendment, to which the gentleman from New York [Mr. KEATING] has made the point of order of germaneness.

The Chair has examined the language of the bill and also the language of the amendment and comes to the conclusion that the language of the amendment is merely a reversal of the medal of the language as appears in the bill and for that reason concludes that the amendment is germane and, therefore, overrules the point of order.

The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTEN].

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 65, noes 89.

So the amendment was rejected.

Mr. DAWSON of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. KEATING. Mr. Chairman, a parliamentary inquiry. I have repeatedly said that I favor everyone having a full opportunity to be heard. I simply raise this question, whether this is in accordance with the agreement that has been made or not. If it is not, I have no objection.

Mr. CELLER. Mr. Chairman, if the gentleman will yield. I will say it is not in accord with the agreement, and I think if the gentleman cares to wait until he can get into a debate on one of the amendments, it would be more appropriate.

The CHAIRMAN. The agreement is that there will be no pro forma amendments offered.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois be recognized.

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

There was no objection.

Mr. DAWSON of Illinois. Mr. Chairman, ladies and gentlemen of the House. Certainly I do not wish to break any agreement that has been made. I shall only take a very few moments of your time to say a word in behalf of our beloved colleague, the gentleman from New York, ADAM CLAYTON POWELL. He is not present here with us now. The reason for his absence I do not know. But, in these trying times, I can recall an instance when he was sent by the Government on a mission of grave importance to our Government. Though I do not believe that any of his colleagues meant to speak against him, to speak in a facetious manner, because of the subject matter before us, but I say that in his absence the subject matter before us certainly does not depend upon the presence of one individual, and I hope that the lack of his presence here will not in any way militate against the subject matter before us, because we all know of his deep and sincere interest in civil rights.

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

Mr. DAWSON of Illinois. I yield to the gentleman from Ohio.

Mr. HAYS of Ohio. I would just like to say that the gentleman from Illinois [Mr. DAWSON] is one of the finest people that I have ever had the pleasure of meeting in my career. I have often told him, and he knows that I have said numerous times that I thought he should go abroad on some of the trips that his committee has made, because I think he would make many, many friends for America and strengthen our position around the world, and I submit to this Committee that the speech that he has just made is further proof of the magnificence of his character.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I offer an amendment.

Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. I have two amendments, each of which are identical in nature. They take the same language out of two places in the bill; they relate to each other. I ask unanimous consent that the two may be considered en bloc.

The CHAIRMAN. The gentleman can offer the 2 as 1 amendment, because the bill is open to amendment at all points. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS of Mississippi: Page 24, line 21, and on page 26, line 19, after "engaged", strike out "or are about to engage."

Mr. WILLIAMS of Mississippi. Mr. Chairman, this is perhaps the broadest delegation of authority on any individual that this Congress has ever made. This bill, in my opinion, does not do justice to the dignity or the prestige of the greatest deliberative body in the world. But, inasmuch as you are speeding this legislation through the House in order to reach the stop light in the other body, I think perhaps it is well that we should attempt to remove as many bugs from the legislation as possible.

Mr. Chairman, the language that I would seek to strike from this bill is that which gives the Attorney General the right to go into court and sue an individual citizen when he feels that citizen is about to engage in any attempt to do something in violation of the bill. Under the bill as it is written, if I understand it correctly, a person may be liable civilly for damages even though he may never commit an overt act. If this language is removed from the bill—"or about to engage"—it will at least require the performance of an overt act by an individual before he may be made liable for prosecution in a civil suit. If these words are left in, as has been explained on the floor on previous days, the Attorney General may use his own discretion, arbitrarily to haul anyone into court in any part of the United States and make him subject to a suit for damages for something he may have never done or never thought of doing.

My amendment removes the thought-control or mind-reading language from this bill. I think, Mr. Chairman, that this amendment certainly should be adopted. With the present language left in the bill, an Attorney General of the United States will have more power and more authority than any of Hitler's henchmen ever had during all of the days of the Gestapo.

I should like to say one more thing in closing; that if this language is left in the bill we had better tack a rider on it that will provide for the United States, leasing a piece of land at least the size of the State of Texas in order to build a penitentiary big enough to hold all of the people who would be incarcerated under its provisions.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Mississippi has made no real discovery in pouncing on these words. That language has been used most frequently in many statutes that we have passed. It seeks to prevent serious action; it seeks to preclude action before dangerous action starts.

In title 50, United States Code Appendix, section 2154, we have a section of the Defense Production Act which we passed and one of the general provisions has to do with enforcement of that legislation. Section 2156 (a) reads as follows:

Whenever in the judgment of the President any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this act, he may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision.

I draw attention of the Committee again to part 4 of the Defense Production Act having to do with price and wage stabilization. There was a section pertaining to actions for violations which reads as follows:

SEC. 2109. Actions for violations.—(a) Injunctions. Whenever in the judgment of the President any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of section 405 of this title, he may make application to any district court of the United States.

I draw the attention of the Committee again to title 50, United States Code Appendix, section 1896 (b) concerning the enforcement of the Housing and Rent Act. This section reads as follows:

Whenever in the judgment of the President any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this act, or any regulation or order issued thereunder, the United States may make application to any Federal, State, or Territorial court—

And so forth. There are many, many more sections of the statutes to which I could draw your attention, but I draw your attention finally to section 7 (a) of the Veterans' Emergency Housing Act of 1946, which deals with the enforcement of that legislation. Section 7 (a) read as follows:

Whenever in the judgment of the expediter any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of section 5 of this act, he may make application to the appropriate court.

So I maintain there are scores of similar statutes having similar language. Those words have often been interpreted by the courts and in legal nomenclature that are called "words of art." Their meanings have been cleared many times by the courts. They have a definite, succinct meaning. There is no doubt that can be cast upon these words because of many court interpretations and clarifications.

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

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. This is a very important amendment. I wonder if the gentleman would object if I should ask after

his remarks to strike out the appropriate number of words so that the record may be clarified on the statutes from which the gentleman has quoted?

Mr. KEATING. I may say that I have no objection provided I have the opportunity to answer the gentleman.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that after the gentleman from Louisiana expresses his views the gentleman from New York [Mr. KEATING] may have 5 minutes to reply.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, the gentleman from New York has quoted from 4 statutes using the words "engage" or "about to engage." I had a pencil and as he read from these 4 statutes I made a note of exactly the words involved. In each case the statute provides for relief on the part of the President or administrative officer in cases where the person in each instance has engaged or is about to engage in the violation of a particular law. So the violation is of the law under consideration, and that law is specifically spelled out. The word "attempt" does not appear in the statutes read from. The bill before us, however, goes much further, because in this instance a person gets in trouble when he has engaged or is about to engage in an attempt to threaten or coerce or to intimidate.

When the statute provides that when a person has engaged or is about to engage in doing a particular thing, that is one thing, but when the statute punishes a person when he engages or is about to engage in an attempt to threaten, for instance, then it is striking at the rules of evidence. You have a lesser amount of evidence to offer and you are reducing the type and amount of evidence necessary to make out a case. So I say the statutes quoted from do not come anywhere near comparing with the language in this bill, which not only says that you are in trouble when you have engaged or are about to engage in doing a specific act—and stop there—but reaches out into a situation where you are about to engage in an attempt to do something. So the bridge is very, very much wider and there is no comparison between the statutes quoted from, which are usual, and the one we now have before us.

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

Mr. WILLIS. I yield.

Mr. DOWDY. It has occurred to me, if there should not be something in the legislative history on this bill to show that there is going to be required proof of an overt act of some kind or at least proof of a conspiracy. I think that point should be developed probably while the gentleman has the floor, that there would have to be an overt act before this would come into operation.

Mr. WILLIS. Under the present statutes, under the present law, if you are about to engage in doing something specific, there has to be involved an overt act and you must prove an overt act.

Here the statute would permit you to read a man's mind and says that you are subjected to punishment when you are about to engage in an attempt to do something, which is vastly different and involves no overt act. Whereas, under the statute read from, proof of an overt act is required.

Mr. DOWDY. I thank the gentleman. That is a point I thought should be developed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. Mr. Chairman, there has been much made of these words "about to engage in" and so forth, and the chairman of the committee has cited the statutes on the books wherein this Congress has repeatedly passed legislation providing those words. In the Housing Act particularly, it is left to the judgment of the housing expeditor as to whether a person is about to engage in—and so forth. Certainly, if we can properly leave to the housing expeditor the determination of such a question, we can leave it to the Attorney General of the United States who would have to make a finding before he could proceed under section 4. The fourth section has two types of civil reliefs. This is something which is stressed by the Attorney General. It is one reason why this is a constructive approach to this civil rights problem. The Attorney General can go into court to bring an action for damages or for injunctive relief before the damage is done. Certainly, it will be much more constructive if the Attorney General in large measure proceeds under this section for injunctive relief before the damage is done. If the words are stricken out, it would only apply to a case where persons have already engaged in acts or practices which would give rise to a cause for action. It would not give to the Attorney General the right to step into a situation which he envisions requires injunctive relief and preventing it before the harmful acts are done and before the rights of the people involved have been violated.

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

Mr. KEATING. I yield.

Mr. VORYS. The gentleman has spoken about the Attorney General stepping in. I think we want to remember that nothing is going to happen unless the court steps in and finds the facts true that the Attorney General has presented.

Mr. KEATING. That is quite true. It is necessary to go to court to obtain relief, of course.

Mr. VORYS. I want to ask the gentleman this question. Suppose the Attorney General had sworn evidence that 50 Ku Klux Klan uniforms were in a man's house and that a notice had gone out to 50 people to assemble at that man's house on a certain night, and proceed to a certain man's house to tell him not to vote, would that not be a case of being "about to engage in an attempt to intimidate"?

Mr. KEATING. I think the gentleman has presented a very carefully thought out, factual situation. It brings it right home to us. Certainly it would be foolish for us to legislate if we were going to provide that the only remedy which the Attorney General could take would be to sue for damages after the act had been committed. He should be able in such a situation as the gentleman has so well delineated, to step in in advance to prevent the harm from being done.

Mr. VORYS. It seems to me that the court should have the power to step in before such an attempt to intimidate started. I believe this amendment would take away that power.

Mr. KEATING. That is right. It should be again brought out, particularly for the benefit of those Members who are not lawyers, that when we speak of the Attorney General time and again doing this or that, it must be remembered that he must bring these actions into court. He has no power to start these things or to hold anyone liable for damages if they had done it. He must go to court and prove his case. If he is unable to prove his case, then the defendant will proceed.

Mr. VORYS. One other point. If the Attorney General appeared in court with some of the evidence that has been talked about, that he did not like the sneer on a man's face, or did not like the look in his eyes, obviously no judge would issue an injunction on such evidence.

Mr. KEATING. He would be thrown out of court so fast you could not see him.

One amendment was adopted in our committee, and it was a good one. It is found on page 25, lines 4 to 6, saying that in any proceeding hereafter the United States shall be liable for costs the same as a private person. So that if someone is hailed into court unjustly by the Attorney General, he has a right to hold the United States for costs, just as you would hold a private individual.

The CHAIRMAN. The time of the gentleman from New York [Mr. KEATING] has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent that the gentleman have an additional minute so I may ask him a question.

Mr. KEATING. I will yield the floor.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOWDY. The gentleman had stated to him a hypothetical case concerning the Ku Klux Klan, of which he made a straw-man for his statement. Actually, the hypothesis stated a criminal case of conspiracy, and the complete proof. It was not a case of "about to attempt to do something," but a complete criminal conspiracy.

What I want to ask is for the gentleman to give me an example of an overt act which would demonstrate that a person is "about to engage in an attempt to do something."

Mr. KEATING. In the first place, that talk about "attempt" does not apply at all to one of the sections the gentleman is seeking to amend. It only applies to section 12, page 36. It does not apply to the other at all. It does not have anything to do with it.

Mr. DOWDY. Well, I would like to have some statement in the RECORD about an overt act "to intend to do something."

I do not think it is intended that the Attorney General could read a man's mind and say, "You are about to do something and therefore you can be sent to the penitentiary."

Mr. KEATING. In order to get a conviction in any criminal case you must have an overt act.

Mr. DOWDY. That is just my point. In this bill, provision is made for action by the Attorney General against a person he thinks may be about to do something. It is thought control, pure and simple, and gives the Attorney General the authority to decide what a person is thinking. An American citizen has a right to be protected from such thought control, and certainly has a right to expect more of his elected representatives than the purport of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 51, noes 71.

So the amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. DOYLE: Page 23, line 10, after the period insert the following: "Notwithstanding anything to the contrary in this bill contained, the Commission shall not constitute or appoint any subcommittee of less than two members, to be one member from each of the political party affiliations."

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment on the ground that it is already taken care of in the Dies amendment.

Mr. DOYLE. I beg to disagree with the distinguished gentleman. If he will read section 101 of the Dies amendment, he will find it expressly provides otherwise. The gentleman from Texas [Mr. DIES] has authorized me to state that he consents to my amendment because his amendment provides that there can be as few as one member of the Commission functioning.

Mr. Chairman, my amendment is made necessary because there is a direct conflict in language on a substantial provision of the bill as it now stands before this House. This is true, for in section 101 of the amendments submitted by the gentleman from Texas [Mr. DIES] on yesterday, and which amendments were adopted, in subdivision (a) thereof, it expressly authorizes less than three members of the Commission to sit as a subcommittee provided the majority of the Commission so authorizes. This means that as few as one member of the Commission could officially act as a full subcommittee. And then, in the original printed text of the bill itself, as submitted to us by the Judiciary Committee, on page 23 in lines 1 and 2, it expressly provides that the subcommittee may be of 2 or more members. You will clearly see, therefore, that in Mr. DIES amendment, adopted in the whole committee, it provides that one Commission member may be a subcommittee, while in the bill itself it provides that the subcommittee shall be of two or more members of the Commission. Therefore, my amendment is necessary to settle this direct conflict at present existing, and to resolve it in favor of the text of my amendment which provides that no subcommittee shall consist of less than two members. This requirement, therefore, makes it crystal clear that no subcommittee of less than two members can be appointed.

Mr. Chairman, my amendment is in full accord with the express provision of the Doyle resolution, which was unanimously approved last year by this legislative body, and which resolution thus adopted made a positively clear requirement that no investigative committee of this House could consist of less than two committee members. This is a given pattern to follow.

I think the distinguished gentleman from New York [Mr. CELLER], the chairman of the full Judiciary Committee, and the ranking member on the minority side of that committee [Mr. KEATING], and also the gentleman from Texas [Mr. DIES] have approved my amendment.

And now, another point in my amendment is fundamentally sound and appropriate, because the Commission itself as constituted in this bill, consists of an equal number of members of each political party affiliation. Therefore, I know you will agree with me, that the bill as finally written should also provide that any subcommittee of the Commission should likewise consist of an equal number of members of each political party; and, if there be only two members of any such subcommittee, then that one member from each political party affiliation shall constitute said committee.

And, since you have so generously and so promptly unanimously approved my important amendment this day, I wish to sincerely and emphatically again state, that I recognize it as of utmost importance that American citizens of any color, any race, any religion, or any national origin, shall have available and reasonable opportunity and encouragement to register to vote. And, having registered to vote, to likewise have every reasonable and fair opportunity and encouragement to vote. In this connection, I display to you here this very substantial booklet issued recently by the American Heritage Foundation of No. 11 West 42d Street, New York 36, N. Y., entitled "A Progress Report on the National Non-Partisan Register and Vote Campaign for 1956." I read from its important pages as follows:

We simply must make every American realize that each person, each vote, is important. The campaign breaks naturally into three phases. Phase 1, stimulating early registration and voting in the primary elections, State by State, starting in the early spring. Phase 2, encouraging the voter to become informed on candidates and issues, during the summer and early fall. Phase 3, picking up late registrations and getting out the vote with an all-out campaign right up to November 6.

You will here see a full page given to the subject of registration, and on that page I read to you:

We have taken our clue from the famous old hymn, "When the Roll Is Called Up Yonder, I'll Be There." It boils down to this, "Is your name in the book?" This was used very successfully in a local Red Cross drive in Kentucky several years ago. We think it is a good motivator because it gives folks such a virtuous feeling as well as a fear of being left out.

And next to that page, you see in big black print:

You can't vote if you are not registered.

This campaign, Mr. Chairman, to have American citizens register should make it of great interest to us Members of Congress this very day, as we are considering this bill which I conceive of as being primarily directed to preserving and protecting the right of American citizens to register and vote. For, of course, as this booklet states in other pages, if citizens are not registered they simply cannot vote November 6, nor any other time. Therefore, Mr. Chairman and my colleagues, I urge that all of us in our respective congressional districts, go back thereto, and do our deadlevel best to see to it that every American citizen in our respective congressional districts not only has the right to register, but has a real honest-to-God opportunity to register. It may be embarrassing or inconvenient for some of us to do this; but, it should be more embarrassing to us as American Congressmen to face the fact that so few, percentagewise, of the American citizens actually register, or actually vote. It may be that you and I, in our respective congressional districts, are at least indirectly careless or indifferent to the fact that in 1954, 57.5 percent, or a little more than one-half of our beloved country's potential voters, did not vote. Furthermore, even in 1952, when nearly 12 million more Americans voted than ever before, 37.3 percent, or more than one-third of the adult citizens of our beloved Nation, did not vote.

My colleagues, I ask you how can an American citizen who by force of surrounding conditions; or by reason of unjust voting registration regulations or rules; or, by reason of being discouraged in registering; or by reason of any other arranged or existing conditions do not register; I ask you, how can we expect such people who are refused or denied reasonable opportunity or cooperation in registering to feel that they are actually American citizens? I believe that any person who deliberately or designedly undertakes to make it impossible or hard or difficult for an American citizen to register to vote, is doing an actual disservice to the constitutional form of government of our great Nation as set up by our forefathers. They envisioned a representative form of constitutional government. How can an American citizen feel that he has any representation in Congress if he does not have a fair and practical opportunity to register, so that he also can thus participate in the affairs of his Government? Of course he cannot be a part of representative government, if he is denied a voice by reason of being deprived or refused opportunity of registering and voting.

And so, I plead with you, all of my fellow United States Congressmen, to not longer do less than our fullest duty to make this Congress of ours as truly representative as possible. We cannot do that, in my humble judgment, if we de-

liberately or intentionally or otherwise, refuse and neglect to make our United States Congress as representative of all the American citizens as possible, regardless of race, creed, color, religion or national origin. In saying this, I do not limit my thinking to any particular geographical section. I mean all over our Nation.

And now, just a word about voting. I feel that not only is there an official as well as a personal responsibility upon myself and upon every Member of Congress to make our constitutional form of government as strong as possible, by seeing to it that as many adult citizens register to vote as possible; but I feel it is likewise our opportunity and our personal obligation to further uphold the Constitution of the United States by definitely aiding and assisting in any effort in our respective States and congressional districts to have as many citizens register and vote as possible. Yes; I recognize the difficulties which some of you will say exist in your respective districts or in your respective States. I apply to my own self the obligation of doing more than I have ever done before to see to it that as many citizens as possible of my congressional district and of my native State of California not only register to vote but actually vote.

In this connection, I know the record already shows that I have frequently spent considerable effort and considerable of my own personal funds to aid in registration and voting campaigns. I shall increase that effort, because I shall put more practice into my own actions of what I am now asking and urging you to do.

I do not have further time now to speak on this important subject, but I call your attention to page 13547 of yesterday's CONGRESSIONAL RECORD wherein appears some of my thoughts on this subject.

And now, this booklet I have received from the American Heritage Foundation on the back page thereof, as you will see, is listed the names and designations of 99 organizations, civic, service, fraternal, educational, religious, farm, business, industrial, and trade, who have joined in this magnificent and worthwhile and important nonpartisan campaign through our Nation to encourage American citizens to register and to vote this 1956 election. Let me just read a few of them from this back page:

American Automobile Association, American Bar Association, American Dental Association, American Hotel Association, American Jewish Committee, American Legion, American Medical Association, Association of National Advertisers, Benevolent and Protective Order of Elks, Brotherhood of Railroad Trainmen, Catholic War Veterans, Fraternal Order of Eagles, General Federation of Womens Clubs, Holy Name Society, Investment Bankers Association, Kiwanis, Lions International, Loyal Order of Moose, League of Women Voters, National Association of Life Underwriters, National Association of Manufactures, National Association of Retail Grocers, National Congress of Parents and Teachers, National Council of Catholic Men, National Council of Negro Women, National Educational Association, National Grange, National Farmers Union, National Retail Credit Association, National Savings and Loan League, Optimist International, United States Junior Chamber of Commerce, Veterans of Foreign Wars of the United States.

Mr. Chairman, these are but some of the 99 important organizations on this page, with more to follow.

And here you will see on this page, an executive proclamation by the distinguished Governor of the State of Massachusetts, he having been a distinguished Member of this very legislative body for several terms. He issued a special proclamation supporting this program. You will all know his name as Christian A. Herter, a very distinguished American.

From the facts brought out in this debate, and which facts and debate have forced to my attention more than ever before how imperative it is that all American citizens, regardless of race, creed, color, religion, or national origin, do register and do also vote. I intend to exert myself more than ever before in a fuller performance of my constitutional duty as a United States Congressman, to exert a sincere and vigilant effort to see to it that as many American citizens as possible, have not only the right to register and the right to vote, which of course they now have, but that they do so. This is the inherent natural and legal right and obligation of every American citizen of voting age.

God gave our beloved Nation for a blessing to all mankind, within its borders, and God does not distinguish between the colors of the skin or race or creed or station in life. I would feel very uncomfortable if I did not so believe. I recongize every Member is entitled to his own opinion and belief. I respect such differences of sincere opinion.

Mr. CELLER. Mr. Chairman, I withdraw the point of order.

I have no objection to the gentleman's amendment.

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

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

Mr. KEATING. As I understand the gentleman's amendment he is simply seeking to make this section conform with these rules which we have already attached to the bill. His amendment would correct some inconsistencies of the present wording of lines 6 to 10 on page 23.

Mr. DOYLE. That is correct, I may say to the gentleman.

Mr. KEATING. I have no objection to the gentleman's amendment.

Mr. DOYLE. The other point is that it expressly provides that there shall be a bipartisan subcommittee, at least one member from each political party. That is new.

Mr. KEATING. I think it should be that way.

Mr. BENNETT of Florida. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield to the gentleman.

Mr. BENNETT of Florida. I approve the gentleman's amendment.

Mr. Chairman, I am opposed to this legislation.

It attempts to control by law the thinking in men's minds. Admittedly, some laws may have some effect in inspiring better thought; but a law which comes as this one does, in large part motivated by purely political considerations and by ill will toward nonconforming thinkers, would have little chance of inspiring anyone, even if it were enacted. Further, its administration, if enacted, would lead to a witch hunt atmosphere in which there would be a slowing down of the cooperative and friendly spirit now generally prevailing where large numbers of white people and colored people live happily in the same cities and communities.

The tragedy of this debate is that we are consuming this valuable time and energy for a bill which everyone admits has no chance of being enacted, while there are many things that could be done to help colored people and to increase good will and bring about better conditions for all.

Regardless of differences of opinion on segregation in schools and the recent Supreme Court decision thereon, the vast majority of all white Americans in the South and elsewhere have a sincere affection and respect for Americans of the Negro race. We acknowledge the important role played by members of this race in developing our Nation and in protecting the freedoms with which all Americans are blessed.

We believe that the Federal Government has a peculiar obligation to the members of the Negro race, arising out of American history. The United States Constitution as framed in 1787 recognized the institution of slavery and provided for the importation of slaves for 20 years thereafter. It did so because this was an element in the agreement of the Colonies to join the federated nation. In a number of ways the Federal Government recognized and supported the institution of slavery, by means of the fugitive slave acts and various other legislation. However, when, by action of the Federal Government, the institution of slavery was abolished, the Federal Government did not and has not accepted its responsibility to help educate and elevate the members of this race, most of whom are descended from those who were brought into this country in accordance with Federal recognition and support of slavery.

These are some of the things we could consider:

EDUCATION

Federal legislation should be enacted to provide school construction assistance to the States based upon their Negro populations. Such legislation should provide safeguards designed to make certain that members of the Negro race receive the benefit thereof regardless of whether or not they may attend segregated or integrated schools.

HOUSING

Either by Presidential action or by legislation, a substantial portion of the remainder of the $200 million special assistance fund provided by title II, Public Law 560, 83d Congress, should be made available immediately for Negro housing. Present efforts to provide housing for Negroes are very inadequate. An additional $200 million

should be added to this special assistance fund and earmarked for Negro housing.

HEALTH

Federal legislation could be enacted to grant medical scholarships to an appropriate number of competitively selected members of the Negro race who are financially unable to attend medical schools. This will help Negroes to obtain medical assistance not now available in sufficient quantity.

ECONOMIC

A special study could be made by Congress, either by a standing or special committee, of means of achieving better economic opportunities for Negroes by voluntary methods which, unlike the bill before us, would be consistent with good relations between the races.

When I first came to Congress in 1949, I introduced a bill to assist in the construction of schools for colored people, whether the schools be integrated or not. I have reintroduced and worked for such legislation in each successive session of Congress, including the present one. Personally, I am opposed to having integrated schools but the purpose of the legislation I have introduced is to help the colored people and not to force on them and upon society generally any particular idea of social freedom or compulsion. It is my belief that legislation to help Negroes should give the help without strings attached.

Whatever may be the outcome of the legislation now before us, we should all pledge our best efforts to assist American Negroes to progress and develop, as it was intended for all mankind by a benevolent and just Providence. We should pledge ourselves to find and employ ways to foster a greater spirit of unity, understanding, and regard between all Americans of all races and in all sections of our country. The best thinking and best efforts of all Americans could have no better objectives.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. DOYLE. Mr. Chairman, may I use the balance of my 5 minutes?

The CHAIRMAN. The gentleman's amendment has been agreed to. The time of the gentleman has expired.

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

The Clerk read as follows:

Amendment offered by Mr. UDALL: Page 26, line 16, after the word "possession", insert "or delegate to any convention of any political party which selects candidates for any of the offices mentioned in this section."

Mr. UDALL. Mr. Chairman, I have not trespassed on the time of the House during this entire debate and I speak now only to make an appeal. It is my hope that something constructive may come from our discussion here during the past week.

It is obvious that this legislation, even if the House passes it, will be stillborn. We know that because of certain characteristics of the other body, this bill will not be considered there during this session of Congress.

It has been insinuated throughout this debate that the Members are politically motivated in their voting on this legislation. Now I believe this matter of voting rights, the last section of the bill, is the real crux of this bill. I think I speak for many Members of the House when I say that there are quite a number of us who are very sincerely and deeply disturbed about the right to vote. I do not think there is any moderate position, or any compromise position on this issue. Voting is perhaps the most precious right our people have.

I happen to come from a district where I have the largest American Indian population of any congressional district in the entire country, almost 100,000 of them. Until 8 years ago those people did not have the right to vote. So I do have some appreciation of the disadvantage they were put to. I heard one of their leaders not long ago tell a group of Indians this: "So long as you people do not exercise your right to vote, those who make the laws of Arizona will ignore you, and those who enforce the laws will not respect your rights."

I think I can say to you here, therefore, that this matter of voting rights is something of paramount importance. A person is not a member of the body politic, he is not a citizen unless he has that right. Unless persons qualified are permitted to vote the whole process of justice can be degraded.

I should like today to make this plea to my colleagues from the Southland, that as far as they are concerned, the way to defeat this type of legislation is to eliminate these restrictive practices. There have been facts presented here, the gentleman from Michigan [Mr. DIGGS] presented some the other day that have not been controverted. He stated that in certain areas there is repression and that voting rights are denied. So I would say to my colleagues from these States that the way to solve the problem is for them to use their influence to see that these injustices are corrected.

Mr. Chairman, I would like to see a statement, a manifesto if you want to call it that, by our colleagues deploring the practices of some of the people in some of these States. I believe if Members of Congress were to use their influence in those areas and stop these practices we would really have no reason for bringing legislation of this kind before the Congress.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

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

The Clerk read as follows:

Amendment offered by Mr. ABERNETHY: On page 22, line 14, after the word "personnel" insert a period and strike all of the remainder of subsection (b).

Mr. YATES. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, the gentleman's amendment is almost exactly like that offered by the gentleman from North Carolina [Mr. JONES]. The committee, having already rejected that amendment, this amendment is not in order.

Mr. ABERNETHY. The gentleman said "almost like it."

Mr. YATES. Mr. Chairman, I asked the gentleman from North Carolina [Mr. JONES] when he yielded to me as to whether his amendment was directed to the question of voluntary groups and whether he objected to the voluntary groups being consulted by the Commission, or whether he objected to the compensation. The objection was to the compensation. I submit that is the purpose of the gentleman's amendment as well.

The CHAIRMAN. Does the gentleman from Mississippi [Mr. ABERNETHY] desire to be heard on the point of order?

Mr. ABERNETHY. I certainly do, Mr. Chairman.

The amendment offered by the gentleman from North Carolina [Mr. JONES] struck out the entire section (b) which eliminated authority of the Commission to utilize the services of voluntary and uncompensated personnel as well as the authority to pay them. My amendment simply goes to that part of the section which permits the Commission to pay these people $12 per day.

The CHAIRMAN (Mr. FORAND). The Chair is ready to rule.

The gentleman from Mississippi [Mr. ABERNETHY] offers an amendment, to which the gentleman from Illinois [Mr. YATES] interposes a point of order. The amendment offered by the gentleman from Mississippi strikes out part of a paragraph. The amendment offered by the gentleman from North Carolina struck out the entire paragraph.

In the opinion of the Chair, the amendment offered by the gentleman from Mississippi is an entirely different type of amendment, to wit, that only part of the paragraph is stricken. The Chair must hold that the amendment is in order and, therefore, the Chair overrules the point of order.

Mr. ABERNETHY. Mr. Chairman, I would particularly like to have the attention of the chairman of the committee and the ranking minority member from New York. I believe that after a moment or two, if I can be heard, you will accept this amendment, although there appears to be some sort of an agreement to accept no amendments, even though they might be worthy.

I differ with my friend, the gentleman from North Carolina [Mr. JONES] in regard to the authority of the Commission to accept the services of voluntary uncompensated personnel. I am of the opinion that if the Commission wishes to accept and utilize the services of any citizen or any group of citizens, it would have the lawful right to do so. And I take the position that it would have that right even though there was no language of this kind or character in the bill.

Now, the thing that I object to and the thing that concerns and disturbs me is the fact that the Commission is given the power to pay these people, whomever they may be, the sum of $12 per

day, 7 days a week, 365 days per year. The average per capita annual income in the United States is about $1,850. This bill would permit the Commission to pay to these volunteers, whomever they are, the sum of $4,380 per person per year, or almost $4,400. That is more than twice the average annual per capita income, and it actually approaches if not equals the average family income in these great United States.

Mr. Chairman and members of the committee, this provision is nothing more or less than a monetary solicitation from the Commission for these volunteers to come forward, saying to them, "Help us out and we will pay you a reward in cash dollars of $4,400 per year." Unquestionably it will mean that there will be scores and hundreds and undoubtedly thousands of people who would welcome a position with the Commission at $4,400 per year. And, if it should so be, Mr. Chairman, that these people are affiliated with some particular organization and if that organization be such that it is capable of exercising extraordinary political pressure—such exist in my section of the country as well as in yours; there are many of them of every kind and character—they then will put the pressure upon the Commission to hire their volunteers. To this pressure the Commission will very likely yield. It will be beseiged by thousands of people. There will be applications on the Commission's doorstep and in its mail every morning from volunteers throughout this land who have never had an income of $4,400 per year, but they will be able to squeeze it out of the Commission by pressuring it to put them on the payroll. They will say to the Commission, "I want a job; I have some information to give you; I want to help you out, and if you do not help me out, I will make trouble for you." Another trouble about it is this: It has the danger of compensating a man for something that he ought to reveal to the Commission without compensation, and the cash pay has the danger of influencing the truthfulness of the statements of these volunteers.

I think this is a dangerous provision. I do not think the first two lines in the subsection constitute any particular danger, because I think the Commission will have the right to utilize the services of volunteers anyway. But it is another matter when you pay them, and it is definitely still another matter when they insist on getting compensation for their voluntary services.

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

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

Mr. Chairman, I shall not repeat what I have already said in reference to a very similar amendment offered by the gentleman from North Carolina [Mr. JONES] although I believe it is apposite and proper to apply those same comments here.

The gentleman's reasoning would include, of course, Saturdays and Sundays and holidays and he arrives at potential maximum amount of salary of a putative employee of $4,475. Actually this is a per diem of not to exceed $12 which would amount at most to about $3,000 if someone were fully employed every day of the week except Saturdays, Sundays and holidays. And such a person would be expected to travel from his home and back and support himself in Washington or whatever other headquarters the Commission might establish or to which it might move.

For those reasons it is essential that the Commission, if it accept unpaid volunteer assistance be authorized to do as has been done in every other instance, be given authority to pay the travel expenses of people from Portland or Peoria or New Orleans or San Francisco, to Washington for the purpose of performing these accepted services.

This provision is one for the payment of travel and subsistence expenses, or in lieu thereof not to exceed $12 a day. Therefore the amendment, in my opinion, should be defeated.

Mr. YATES. Mr. Chairman, would the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Illinois.

Mr. YATES. Does not the gentleman from Mississippi [Mr. ABERNETHY] fail to draw a distinction between people who are hired as regular staff employees and those who are hired only on a temporary basis and are paid on a per diem basis?

Mr. SCOTT. Yes. I thought that the gentleman from Mississippi had not drawn that distinction. If the gentleman from Mississippi has other comments, I should be glad to yield to him at this time.

Mr. ABERNETHY. Is it not a fact that if this language were eliminated from the bill, the Commission would still have authority to hire any personnel it saw fit to hire and pay them under the terms of the bill? Is it not a fact that they have the authority to hire regular personnel?

Mr. SCOTT. If the Commission wished to establish such a permanent staff, and such a staff which might be under those circumstances bigger or more unwieldly than they would need by comparison with this method of procedure which would authorize them to hire a comparatively small staff and utilize volunteer unpaid personnel.

Mr. ABERNETHY. Does the gentleman think it is wise to hold out a reward to people to come in and seek employment? Does the gentleman not believe that would encourage people to apply for positions with the Commission who otherwise would not apply?

Mr. SCOTT. I would say to the gentleman that in view of the cost of hotel accommodations and meals in Washington, they are not offering very much of a temptation.

Mr. ABERNETHY. They might not be stationed in Washington.

Mr. YATES. Mr. Chairman, would the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Illinois.

Mr. YATES. As a matter of fact, is it not to the interest of the Commission when it is created to be able to have members of the NAACP, members of the ADA, members of the American Civil Liberties Union, who have been carrying on this fight for civil rights and for civil liberties all these years come to Washington, and have authority in the Commission to pay their travel expenses?

Mr. ABERNETHY. Is it the object of this bill to pay the NAACP and the ADA representatives? Is that the object of the bill?

Mr. SCOTT. I would say to both gentlemen who have asked me to yield that I think any organization, including organizations from any section of the country, representing any view who have an idea or a method that would be of assistance to contribute, which would make this Commission more effective and which would help accomplish the purposes of the Commission, ought to be available to the Commission for its selection.

Mr. ABERNETHY. Does the gentleman contemplate, referring to what the gentleman from Illinois had to say, that all of the people or some of the people connected with the NAACP or the ADA and others would be applying for positions under this particular section of the bill?

Mr. YATES. It is not an application for a position, is it? It is a question of whether or not they should be entitled to consult with them.

Mr. SCOTT. I have no idea and cannot contemplate at this time who might apply or who might be retained.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. ABERNETHY].

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were—ayes 52, noes 80.

So the amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. FOUNTAIN: On page 21, line 13, after "origin" insert the following: "*Provided, however,* That no such investigation will be made upon the allegations of a Communist or upon the allegations of any person or persons not loyal to the United States Government."

Mr. FOUNTAIN. Mr. Chairman, I believe this is a good amendment. It will eliminate another of the "bugs" in this untimely piece of legislation. I think the amendment is self-explanatory, but for emphasis I would like to read it.

Please turn to page 21, line 13. After the word "origin" this amendment seeks to insert the following language:

Provided, however, That no such investigation will be made upon the allegations of any Communist or upon the allegations of any person or persons not loyal to the United States Government.

You will note under the subheading "Duties of the Commission," section 103 (a) says "the Commission shall—(1) Investigate the allegations that certain citizens of the United States are being deprived of their right to vote or being subjected to unwarranted economic pressures by reason of their color, race, or religion or national origin," and then in subparagraphs 2 and 3 the Commission is commanded to do other things. As the distinguished gentleman from Texas [Mr. DIES] has already stated on the floor of this House, this section makes

mandatory investigation by the Commission of allegations made, regardless of what source they may come from. Mr. DIES pointed out the strong likelihood that many unreliable people, including members of the Communist Party, persons disloyal to this country, and others like them, who, for the purpose of harassing our citizens and carrying out their common design to divide us, to aline us against each other and to destroy us from within, would undoubtedly make unwarranted and unfounded allegations against loyal and patriotic Americans, accusing them of violating certain rights of individuals "because of color, race, religion, or national origin."

This amendment simply means that known Communists, and there is a list of most of them available, and persons known to be disloyal to our country, cannot make such allegations and expect them to be investigated. Surely if a person is not a known Communist or is not otherwise known to be disloyal to this country, he is presumed to be a loyal and patriotic American. It will be contended if this amendment is adopted that the Commission will have the responsibility of investigating the accusers to determine whether or not they are loyal Americans before making the investigation of their allegations. I don't think this is true, but I do believe it will prompt the Commission to scrutinize all allegations carefully and to make a reasonable effort to determine whether or not the persons making them can be relied upon.

If the Commission has complaints from a Communist, it should not rely upon those complaints alone. It should be forced to rely upon loyal patriotic American citizens. It is bad enough to open the door to our own law-abiding citizens and voluntary organizations which are loyal to this country and invite them to make unwarranted, unsworn allegations against their fellow citizens before a Federal Agency delving into matters which for so long have been handled exclusively by the sovereign States.

Not having heretofore spoken on this bill, I should like to make a few other observations and comments. I do not question the sincerity of any of the proponents of this bill who have sincere convictions that it is wise and proper legislation. I have been impressed by the eloquent arguments which have been made, including the very eloquent argument of the distinguished gentleman from New York [Mr. MILLER] who yesterday showed the courage of his convictions, without regard for his political future, when he initiated action which, had it carried, would have resulted in the defeat of this legislation. In the presence of his bewildered and amazed minority leader, the former Speaker of this House, who opposed the move he made, he showed the courage of a statesman. As the distinguished gentleman from New York in effect said yesterday, I say to you today—in the name of love and brotherhood, of understanding and good will, do not pass this legislation.

If we will only stand by our honest convictions with respect to this legislation, the time will surely come when all of our people, in every section of the country, will hail us for having preserved the liberty, the freedom and the sovereignty of the States of this Union. None of us opposing this legislation condone the deprivation of any person of his constitutional rights. We simply insist that this is not a matter to be handled by the Federal Government.

I would not agree with the assumption, but should we assume for sake of argument that this legislation is constitutional and even meritorious, it is unwise and untimely at this time, coming so soon after the school segregation decision of the Supreme Court which has burdened the people of this Nation, and particularly the people of the South, with responsibilities and problems, the like of which they have not experienced since the bloody days of the Civil War. While there may be extremists here and there, our people are trying to solve this problem as best they can; that does not appear to be enough for some of you. You are not satisfied. You want to increase our already seemingly impossible-to-solve problems.

Let me say this to you. Our people in the South are a tolerant people. They are a good people. The South is known as the Bible Belt. They love and respect their brothers of whatever race and they are working together with understanding hearts in an effort to reach an amicable solution to the many mutual problems facing them. Our people can be influenced. They can be persuaded. They can be reasoned with, but I say to you in all sincerity that they cannot be driven. You have heard it said, "You can lead a horse to water, but you cannot make him drink."

I therefore sincerely urge those of you who have been making on the floor of this House irrational and inflammatory remarks about them, what they are doing, or what they are not doing, to cease such remarks and instead, to extend to them the right hand of fellowship in recognition of our mutual responsibilities and opportunities. If you do, you will find that in the spirit of the Christ who died to save us all, they will join men of good will of all races in an effort to solve their mutual problems. At this particular time, we need not more Federal laws on this subject, but more wisdom, mutual respect, and understanding. This legislation, my colleagues, will do irreparable damage. It can accomplish no good. It is untimely. It is unwise. I urge you to defeat it. In any event, adopt this amendment. It will reduce many of the unnecessary and unjust allegations and complaints which this legislation will otherwise permit.

Mr. SCOTT. Mr. Chairman, the purpose of this amendment is undoubtedly laudable. The gentleman knows everybody, all Members of this body, are opposed to communism. We all know it is an evil, despicable conspiracy against the rights of free men. We want to fight it intelligently. We want to fight it in a way which will give strength to our attack rather than to confuse and to weaken the approaches which we make in defense of freedom. This amendment would accomplish nothing more than to raise the question in the case of every witness called before this Commission whether he is or he is not a Communist, and every witness would be required to purge himself of the suspicion written into this bill, if this amendment were to prevail, that such a witness is a Communist because this amendment would require the witness to disprove that he is a member of the Communist Party. Therefore, this amendment has no purpose other than to confuse the issue.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. GREEN of Pennsylvania. Besides the communistic tinge, it also says "loyalty to the United States Government."

Mr. SCOTT. Yes, the gentleman is entirely right. Every witness would have to prove also his loyalty to the Government of the United States. It would be imposing a loyalty oath besides casting the shadow and taint and suspicion of communism on every witness who appears.

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

Mr. SCOTT. I yield.

Mr. YATES. I sought to ask the gentleman from North Carolina to yield, and he refused to yield. I wanted to ask him the question whether in his definition of "loyalty" under his amendment, whether those people who have openly stated their opposition to the decisions of the Supreme Court are disloyal.

Mr. SCOTT. Any person called as a witness would have to establish his loyalty to the United States, to the Constitution, and to the decrees rendered by a judicial body, and the acts enacted by a legislative body. I submit that is something about which no man ought to be asked and which no legislature ought to enact.

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

Mr. SCOTT. I yield.

Mr. FOUNTAIN. If the Attorney General knows that a man is a Communist or a member of the Communist Party, if he knows that a person is disloyal to the United States, I think it is presumed that we are loyal people until we are found otherwise, he should not make an investigation based upon the allegations of those people, even if he has to make some inquiry.

Mr. SCOTT. The gentleman's amendment has nothing to do with the Attorney General. This deals with the Commission. The Commission does not know and has no way of finding out who is a Communist until that person is examined. Frequently we do not know until we go to the Supreme Court whether or not people are Communists or whether they have certain beliefs or not.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. WILLIAMS of Mississippi. I think I understand what is running through the gentleman's argument and what he is working to. There is no way

of telling who is a Communist or disloyal until they can investigate him.

Mr. SCOTT. Of course the gentleman is as wrong about that as he has been about so many other things.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. FOUNTAIN].

The question was taken; and on a division (demanded by Mr. FOUNTAIN) there were—ayes 58, noes 82.

So the amendment was rejected.

Mr. DORN of South Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORN of South Carolina: On page 25, immediately after line 21, insert the following:

"SEC. 123. Nothing in this act or in the amendments made by this act shall be construed as conflicting with any laws of the Federal Government or of the several States, Territories, and possessions of the United States, relating to Indians or Indian affairs."

Mr. DORN of South Carolina. Mr. Chairman, I think this legislation raises grave doubts about and possibly invalidates many of the Federal and State statutes concerning American Indians.

As you know, there are Federal statutes providing a minimum of a $1,000 fine for selling whisky on an Indian reservation, and a lesser fine for other peoples and other sections of the country.

There are peculiar statutes pertaining to Indians and Indian territories that might open a whole field for investigation by the Attorney General because of discrimination.

I would like to yield at this point to the distinguished and able gentleman from Florida [Mr. HALEY], chairman of the Subcommittee on Indian Affairs.

Mr. HALEY. As a matter of fact, under the present bill that we are considering we may be taking away rights of Indians in this country that are guaranteed them by treaty entered into by the very party that is now trying to pass this bill.

Mr. DORN of South Carolina. That is exactly right, I might add.

Mr. HALEY. And we might further be put in the position of prosecuting people who stand in the relationship of a ward of the Federal Government.

Mr. DORN of South Carolina. The gentleman is exactly right.

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

Mr. DORN of South Carolina. I yield to the gentleman from California.

Mr. SISK. My record has been pretty much unanimous here voting against amendments to the bill, but I might say to the gentleman I am going to support his amendment because I think it is equitable, I think it is fair, and as a member of the Subcommittee on Indian Affairs, of which the distinguished gentleman from Florida is chairman, I would certainly be concerned about anything that would affect their treaty rights.

It is my hope that this amendment will be adopted.

Mr. DORN of South Carolina. I thank the gentleman from California. His State is affected by this amendment.

I might say there are Federal statutes against selling arms to the Indians notwithstanding the fact that the Constitution of the United States says that the citizens shall have the right to bear arms, but there are particular statutes pertaining to the American Indians which prohibit the sale of arms to these people, and there are many other statutes; you get into a very involved situation.

I hope the gentleman from New York will accept this amendment.

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

Mr. DORN of South Carolina. I yield to the gentleman from New Mexico.

Mr. FERNANDEZ. What about the statutes we have and the recognition we have giving preference to Indians on work on the reservations?

Mr. DORN of South Carolina. This legislation might possibly invalidate that. Then I understand there are certain special laws in the gentleman's State and in that area of the country.

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

Mr. DORN of South Carolina. I yield.

Mr. CELLER. I cannot see how the section the gentleman seeks to amend in any way directly or indirectly interferes with any rights that Indians may have. This has to do with civil cases under title 28, and they have no relationship whatsoever to Indians or Indian affairs, so the amendment is quite irrelevant.

I think the gentleman is conjuring up a lot of ghosts under the bed that do not exist. I think the amendment is totally unnecessary and would clutter up this bill. For that reason I oppose it.

Mr. DORN of South Carolina. I disagree with the gentleman. It will only protect an unusual situation and a gallant segment of the American population. The American Indian is the original American, and certainly the gentleman from New York should want to protect him.

I hope the amendment will be adopted.

Mr. Chairman, ladies and gentlemen of the House, I was shocked yesterday to see the Republican leadership in this House blandly place this Eisenhower civil-rights bill on a purely political basis. I was further shocked and amazed to see the Republican leadership in substance threaten Republican Members of this House with political pressure from the high command if they did not support this legislation. We knew all along that it was a political bill designed for political advantage and brought to the floor of this House at the psychological time before the national conventions of both political parties are to meet. Yes, this is the Eisenhower civil-rights bill as presented to the Judiciary Committee by Herbert Brownell. I must say that there is a difference in Eisenhower, the General, and Eisenhower, the politician. As the Commander of the Army in Europe and as a witness before a committee of Congress, he advocated one thing but as a politician and candidate for reelection, he is taking a different course. There is even a difference between Eisenhower as a candidate in 1952 and Eisenhower, the President. Candidate Eisenhower declared on the steps of the State capitol in Columbia, S. C., that he was in favor of States rights and a minimum of Federal authority. But as President and supporter of this bill, he seeks to take away the sovereign rights of the States.

During this debate, the name of the great Abraham Lincoln has been mentioned by the Republican leadership of this House. I would like to remind my colleagues that there was little difference between Abraham Lincoln, the candidate, and Lincoln, the President. Lincoln believed in certain principles and ideals. Among them was the preservation of the American Union and the abolition of slavery. Abraham Lincoln did not waver, he did not vacillate. He accomplished the preservation of the Union and the elimination of slavery. He promoted unity in the interest of the common welfare. He did not advocate any measure which would promote disunity as this civil-rights bill does today. Lincoln's idealism and love for America as a whole was in direct contrast to the Republican leader who followed him, Thad Stevens, of Pennsylvania. Stevens sacrificed unity and the common good for political expediency. William E. Borah, the great Republican of Idaho, declared on the floor of the Senate that Thad Stevens was perhaps the most complete master of the House of Representatives that history recalls. Senator Borah quoted Stevens as saying that certain States were to be readmitted to the Union "only when the Constitution has been amended so as to secure the perpetual ascendency of the party of the Union"—the Republican Party. Senator Borah quoted Stevens further:

The conquered people have no right to appeal to the courts to test the constitutionality of the law. The Constitution has nothing to do with them or they with it.

Oh, my friends, these words of Stevens might be quoted today in support of this bill which would usurp the rights of our people and might destroy the sovereign States. We honor Lincoln today as a statesman but we look upon Stevens as the politician who injured his country and very nearly destroyed his party.

Mr. Chairman, I might add that there was no difference between Col. Teddy Roosevelt, the dashing military officer, and candidate Roosevelt and President Roosevelt. He was one and the same at all times, a defender of the rights of the people of this country and one who constantly fought for the common good of all of the States and all of the sections of our common country.

Since coming to the Congress of the United States, it has been my privilege to know many great Republicans who labored in the traditions of Lincoln and Roosevelt, who repudiated the cheap political philosophy of Thad Stevens. I well remember during the airpower controversy, the late great and able Kenneth Wherry, of Nebraska called and asked that I come before his committee to witness for a great Air Force to meet the Communist threat. He did not call me as a Democrat but as an American. Ken Wherry thought of America first and his party secondly.

I knew and admired Robert A. Taft, of Ohio and respected him as a man, as a candidate and as the distinguished leader

of his party. In all of his love for the Republican Party, at any time he would have foregone his title as "Mr. Republican" for that of "Mr. America." Yes, ladies and gentlemen of the House, this is a sectional bill. This is a political bill but it would endanger the basic liberty of the people in every State and in every section. The late Hon. William E. Borah said this type of legislation was a sectional bill in his great speech on the floor of the United States Senate January 7, 1938. I wish more of my friends on the left would follow the lead of Lincoln, Teddy Roosevelt, Taft, Wherry, and William E. Borah and help us defeat this bill in the name of freedom, constitutional Government, States sovereignty and individual liberty. In that courageous address on the floor of the Senate, William E. Borah said, and I quote:

> The progress, the development, and the advancement of the South, including the last 70 arduous years, her history from Washington and Jefferson down, rich with the names of leaders, orators, and statesmen; her soil, her sunshine, her brave and hospitable people, her patient and successful wrestling with the most difficult of all problems, are all a part of the achievements of our common country and constitute no ignoble portion of the strength and glory of the American democracy. I will cast no vote in this Chamber which reflects upon her fidelity to our institutions or upon her ability and purpose to maintain the principles upon which they rest.

I do pay tribute today to that small group of Republicans in this House who do adhere to and have the courage to carry on the principles and ideals of great Republican leaders of the past.

Now, ladies and gentlemen of the House, I come to the main point of my remarks today. One of the principal arguments used by advocates of this civil rights bill is that we should pass it because Russia is criticizing us for discrimination. A speaker representing a minority group recently told an Atlanta, Ga., audience that the real motive behind this Supreme Court decision of May 17, 1954, was that the Court felt that that decision should be rendered because of Communist criticism of discrimination in the United States. In other words, Mr. Chairman, the main point in that Supreme Court decision was not sociological or psychological, as we were led to believe at the time, but the real reason for the decision was that the Supreme Court is trying to mold America and change our Constitution in such a way as to be satisfactory to the Communists. If you will read the speeches of many contemporary Americans on this subject, you will find they are advocating a change in the American way of life to suit this foreign atheistic ideology. This is fallacious reasoning, indeed.

This thinking is permeating every phase of American endeavor today. In the field of foreign affairs, we have heard Paul Hoffman, Harold Stassen, John Foster Dulles, Dean Acheson, Truman, and Eisenhower declare time and time again that we must counteract this Russian propaganda that America discriminates against minorities. In other words, they are unwittingly advocating a change in our American way of life because Russia does not like America as instituted by the Founding Fathers. We are changing our form of government through the back door. These men are advocating such legislation as this not because it is right but because the Communists are criticizing America. We are backing into a welfare state while professing altruisms. We are adopting the very things we profess to oppose.

If this theory is continued, we will soon abolish freedom of the press, the free enterprise system and the Bill of Rights. Suppose we pass this bill and do everything else that Communist Russia says we must do to be acceptable before the world. Then, may I ask, will we be acceptable to the Russians? I say, ladies and gentlemen, they then will criticize America for having freedom of worship and even for believing in God. We cannot appease Russia or create permanent peace in the world by adopting their philosophy.

Now, my colleagues, I was shocked to see this same thing put down in black and white on page 5 of this committee report. When the majority report was written, they just had to write into it that American leadership of the free world was being threatened by a lack of adherence to the ideals of equality under law.

In considering civil rights, in considering foreign policy, in considering domestic policy, we should be motivated by one thing and one thing only—is it right or wrong, or is it in the interest of the American people whom we represent. I might add that foreign Minister Shepilov recently suggested that before Russia can reach an agreement with America on disarmament, that we should muzzle the press and the radio. What are we going to do about that? In order to further appease Russia, in addition to passing this civil rights bill, are we going ahead and muzzle the American press, abolish freedom of speech on the radio and on television? I say again, we cannot predicate the future of America upon Russian criticism but only upon the fundamental principles and ideals that made this country great and upon our own Constitution that we have sworn to defend and protect.

I can tell you that there is fear today in the hearts and minds of the little average American—not so much fear of communism as it is a fear of Washington, D. C. Already our people are worrying night and day about next year's income tax. They have so many blanks and papers to fill out that they are never sure of the outcome. They live in fear today of a knock on the door and Federal agents going over their books. We have centralized government to the point where our people in the sovereign States live in fear of innumerable Washington agencies, bureaus, and the Department of Justice. People who have done their best to be good citizens and loyal Americans are afraid of this vast Washington gestapo.

I talked with a good sheriff of a local county not long ago, one who has been faithful, honest and fearless in the discharge of his duties. He has served as sheriff for many, many years. In offering for reelection he confided to me that he had many misgivings about doing so. He said he did not know where his authority began and where it ended in the light of this Supreme Court decision, civil rights agitation, boycotts, and unrest. He said he had lived a good life and did what he thought was right and he did not want to spend his remaining years in a Federal prison.

I have heard the same story from prominent and capable men who would like to serve on boards of education. I have heard the same fear expressed by members of the State legislature, State senators, members of city councils, and local mayors. They could perform their duties and know where they stood under our old Constitution as we have known it. But with the Court writing legislation and amending laws, our people today are fearful and do not know where their authority begins and where it ends. This civil rights bill, if passed, will only aggravate this fear of Washington, create confusion, disunity and ill feeling among our loyal American people.

Thomas Jefferson and George Washington placed emphasis on the individual. They wrapped around him the Declaration of Independence, the Constitution and the Bill of Rights. The Government was only the agent of the people, created to serve and protect them. But today our local people are being harassed by a powerful central Government. Our people are being educated and trained to look to Washington, which is the beginning of the welfare state and ultimately, dictatorship.

The late Henry Grady, of Georgia, the great editor of the Atlanta Constitution, walked down Pennsylvania Avenue in Washington upon one occasion and was carried away with enthusiasm upon seeing the National Capital. Mr. Grady said that he thought of the Army and the Navy, the Congress, and the Treasury, and all that was gathered here in Washington. He said:

> Surely here in Washington is lodged the ark of the covenant of our country. Here is the beginning of our power and the end of our responsibility.

A few days later Henry Grady visited a rural home in Georgia where he saw the children of a rural farmer milking the cows and working on the farm. The farmer owned his land, was master of his land and master of himself. Grady had dinner with this farmer and he noticed that after dinner, the farmer called the family to their knees and pulled down a well-worn Bible. Henry Grady changed his mind after seeing this sovereign and independent citizen and said that the ark of the covenant is not lodged in Washington but in the homes of the American people. Grady said that America was not stronger than these citizens who made up the smallest unit of democracy. He was the source of our strength and power as a Republic. Grady went further and said:

> The citizen standing in the doorway of his own home with his family gathered around his hearthstone will save the Republic when the drum tap is futile and the barracks are exhausted.

We can put the responsibility where it belong by voting down this civil-rights

bill. The responsibility is with the individual, his attitude, his moral and spiritual understanding, his education, and his brotherly understanding.

The late Booker T. Washington, the greatest Negro America ever produced, spoke to the National Education Association in Madison, Wis. He said:

Brains, property, and character for the Negro will settle the question of civil rights. The best course to pursue in regard to the civil rights bill in the South is to let it alone. Let it alone and it will settle itself.

Good school teachers and plenty of money to pay them will be more potent in settling the race question than many civil rights and investigating committees.

Booker T. Washington had the only real permanent answer to this problem. Real civil rights cannot be legislated here in this House. Brotherly love, mutual trust and respect, fidelity and honor must come from the individual. Let us defeat this bill, protect the rights of our sovereign States, local governments, and preserve the liberty of all Americans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. DORN of South Carolina) there were—ayes 59, noes 67.

Mr. DORN of South Carolina. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. DORN of South Carolina.

The Committee again divided, and the tellers reported that there were—ayes 66, noes 81.

So the amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. McCARTHY: On page 24, line 21, after the word "whenever", strike out "any persons" and insert: "any person or persons."

Mr. McCARTHY. Mr. Chairman, those of us who intend to vote for this bill and who anticipate that it will be passed do not look forward to that accomplishment with any great sense of victory over any persons either in this House or in this country. The problem of justice with which we are trying to deal in this action today is not one which can be laid to the blame of any persons living today or to any one person or group of persons who have lived in this country in the past. It has grown up over a long period of time. It is an injustice and an evil problem which has been passed on to Americans living today, an historical demonstration of the truth of the biblical statement that the injustices of the fathers are visited upon the children. Some of us, of course, have tolerated this injustice; some of us may have aggravated it. And I suppose that none of us can say that he has done as much as he could have done in trying to eliminate or to reduce this injustice and this evil.

The gentleman from Texas [Mr. DIES] made a special point of charging that in our action here we are willing to justify the methods that we purpose on the basis that the end and the purpose we were seeking is good. He is right in part. The end and purpose which we are seeking here is good. What we are trying to do is to eliminate, at least in some measure, a condition which denies to citizens of this country the basic and fundamental civil right, namely, the right to vote, without which all our civil rights have little or no meaning, as has been recognized in this country from the days preceding the revolution. But the gentleman from Texas is wrong in saying that we attempt to justify improper means because the end and purpose is right. Most of us realize that these are dangerous methods and means. We would like to lay down clear procedures and definitions without any fringes of uncertainty or obscurities. We cannot do that. The methods which we are proposing here today are the best that we can devise. Some Members have proposed other complicated methods which will surely prove ineffective. Others have said we need no methods; that we need do nothing about this. We are deciding to use the best methods we can devise, means proportionate to the end. We are aware of the risk. We realize that if these devices are used improperly, great harm will follow. If we discover that the evil which results from this effort is greater than the evil which we are attempting to eliminate, then this Congress will surely take action to reverse what it has done today or propose some alternative. We need to keep in mind, in the closing moments of this debate, that membership in the Congress of a democratic society does not make political life and political action simple and easy for us, but that it imposes special personal obligations upon us, as representatives of the citizens of a free country. We must keep in mind at all times that what we are trying to do in this democracy is to establish a political order which is based upon justice but also upon freedom. That we seek to establish an external and objective order of justice, but also an internal and subjective order, a society ordered in justice, understood and accepted by every citizen. We cannot always wait to have justice understood and accepted by all citizens. Sometimes we must push forward, taking risks and engaging in uncertain action in order that we may make some progress—some advance—in our efforts to establish that order of justice. This is the kind of action we are taking today.

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

Mr. McCARTHY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. KEATING. Mr. Chairman, I object and I do so simply for the purpose of saying this.

We have just heard a very fine statement by the gentleman from Minnesota [Mr. McCARTHY]. I take it he does not press his amendment or he would not have signified his desire to withdraw it.

I understand we are almost on the last of the amendments to be offered and this will be the last opportunity to say a few words. I appreciate the wide difference of opinion which is held in this body on this legislation. I can think of no issue which could arouse stronger emotions. At times there has been some evidence of that in this debate. On the whole, however, considering the inherent explosive character of this question, the presentation of arguments here has been singularly free from personalities or recriminations on those other reactions which we might regret tomorrow.

I can say this for myself, that I vigorously support this legislation. I feel it will strengthen our great country both at home and abroad. The dictates of my conscience compel me to favor this measure and back it to the hilt. But I recognize that there are sectional elements involved, that there are many of my colleagues whom I deeply respect and dearly love who disagree with me on this issue. I particularly express my gratitude to those who differ with me over the considerate manner in which they have received the arguments which I felt impelled to advance.

I am grateful to my chairman for the high level of debate in which he has engaged. If in the heat of argument I have given offense to any Member, I am truly sorry. And I leave this debate with nothing but the finest of friendly feelings for every Member.

The CHAIRMAN. The question is on the unanimous-consent request of the gentleman from Minnesota to withdraw his amendment. Is there objection?

There was no objection.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

I want to express my gratitude for the graciousness and the kindness of the membership in this debate as that graciousness and kindness were directed toward me. I feel also a sense of gratitude to the distinguished gentleman from New York [Mr. KEATING] for working in a most cooperative spirit with me on this important legislation.

I tried hard, as much as I could, to pour the oil of calm upon a few troubled spirits and I think with the assistance of those who cooperated with me, we have measurably succeeded.

In my many years in this House I have learned the following: I have learned silence from the talkative. I have learned tolerance from the intolerant. I have learned justice from the unjust. I have learned kindness from the unkind.

It is strange, but I am grateful to these teachers. And I want to state in the course of this debate there has been tolerance, there has been kindness, and there has been a splendid degree of objectivity. I am very glad, however, we come to the end of the day and the end of this bill.

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

The Clerk read as follows:

Amendment offered by Mr. COLMER: On page 23, lines 14 and 15, after "Columbia", strike out "within the jurisdiction of which the inquiry is carried on."

Mr. COLMER. Mr. Chairman, at the conclusion of this debate I am taking these few moments to join with those

who have already expressed their approval of the high plane upon which this most controversial bill has been conducted.

Notwithstanding the fact that it is generally conceded that the bill is aimed at my section of the country and that it is brought to the floor of this House with the dubious objective of being used as campaign fodder in the approaching November elections, those of us who have opposed it have dispassionately endeavored to expose as fully as possible in the limited time that we have had the real dangers embodied in the proposal to the liberties of all of the people of all sections of our great common country.

It has been perfectly obvious from the beginning that the leaders of the NAACP, the AFL-CIO and the ADA have conducted a strenuous campaign and indulged in the usual pressure tactices to force the passage of this proposed legislation. But as the debate has progressed and the dangers to the liberities of all of our citizens have been exposed, it has become most apparent that your minds, yes, your very souls have been increasingly troubled. I know from the expression on your faces and from personal contacts that many of you are deeply concerned over this proposal. In fact, many of you will be tempted to vote for this iniquitious measure on the theory only that it will be killed, in fact not even considered, by the other body. There are many who have suggested that if the vote were taken by secret ballot that it would not get 10 percent of the votes. When the gentleman from Texas [Mr. DIES] on yesterday, in addressing the House, asked those who believed it would become law at this session to stand, not one single Member of this House arose to his feet.

I happen to be one of those Members of this House who subscribe to the doctrine that we in the House have a joint responsibility with the Members of the body at the other end of the Capitol. I believe it is our sworn duty to face up to our own responsibility. Therefore, I am requesting you to do a little soul searching in the intervening hours before we vote on this bill on Monday. It is relatively immaterial whether you or I return to the Halls of this Congress in 1957. If we are defeated because of our votes here there will be others to take our place. At the most we have but a few more decades to serve and live. The important thing is whether this glorious young Republic and its institutions, the creation of the minds and patriotism of the Founding Fathers, shall survive. Of equal importance to you and me is whether we are honest with ourselves. Whether we have the courage and patriotism to be forthright even to the extent of risking our political future is important. Such high order of courage was exhibited on this floor on yesterday by the gentleman from New York [Mr. MILLER] and the gentleman from New Jersey [Mr. TUMULTY].

With no desire to appear dramatic in closing, may I read you a little anonymous poem which expressed the sentiment that I am trying to convey:

When you get what you want in your struggle for pelf,
And the world makes you king for a day,
Just go to the mirror and look at yourself
And see what that man has to say.

It isn't your father or mother or wife
Who judgment upon you must pass,
The one whose verdict counts most in your life
Is the one staring back in the glass.

He's the one you must satisfy beyond all the rest,
For he's with you right up to the end;
And you have passed your most difficult test
If the man in the glass is your friend.

You may be one who got a good break—
Then think you're a wonderful guy;
But the man in the glass says you're only a fake
If you can't look him straight in the eye.

You may fool the whole world down your pathway of years,
And get pats on the back as you pass;
But your final reward will be heartaches and tears
If you've cheated the man in the glass.

Mr. DURHAM. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. DURHAM. Mr. Chairman, I am opposing this measure, not on the basis of constitutional objections primarily, though I feel such objections are perfectly valid, but I will leave to those Members who are constitutional authorities the statement of the case from that standpoint.

My opposition is based on my deep conviction that you cannot successfully legislate social changes without repercussions which produce worse results than the situation you are trying to remedy if you make this kind of approach. If this bill should be enacted into law, I think we would face the amazing situation that by legislating to protect the minorities, we would have actually legislated against the majority. I do not see how we can reasonably think that we have made any great social and economic advance through the enactment of this legislation. Rather it seems to me, we are in gravest danger of invading the sovereign rights of our several States and creating a new Federal Commission, an additional Attorney General, and a new division in the Department of Justice—with broad powers to reach down into our States and subpena our citizens and bypass and virtually do away with local remedies for violations of civil rights.

This measure embodies the broadest concept of civil rights that has ever been brought to this body for deliberation. It opens up a whole field for investigation by allegations and offers a field day for informers. It is alien to the foundations of our Government and our national institutions as our forefathers conceived them, and I can see no good which could possibly accrue from this legislation but rather countless injustices, inconveniences, and encroachments of the Federal Government on the powers reserved to the respective States and the people.

There are many obnoxious features to this bill, and they have been ably pointed out by opponents of the measure in the 2 days' debate in this House, but I would certainly like to speak of my personal abhorrence of the provision for the so-called commission to accept and use the services of voluntary and uncompensated personnel, and the reference to persons "about to engage" in any acts or practices contrary to the act. This latter provision could bring about the most vicious type of thought control, raised to the nth degree, since the Attorney General could think that he thought that some citizen or group of citizens were thinking of engaging in any such acts or practices. Further than that, the Attorney General is empowered to file actions for individuals without the consent of the plaintiffs and without regard to existing local remedies.

I can actually conceive of a situation arising whereby a person's involuntary facial expression might be construed as meaning that the person was about to engage in an attempt to threaten. I don't believe that any Gestapo practices ever went any further than this ridiculous possibility.

I oppose this measure wholeheartedly, I believe it violates more civil rights than it protects, and if enacted into law I am convinced the disastrous results implicit in its amazing provisions will be felt not only in the Southern States, which are no doubt its primary target, but in all the 48 States of this Union.

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

Mr. Chairman, while everybody is thanking everybody else for the high plane on which this debate has been conducted, I want to thank you for delaying our execution until Monday, the Republicans on my left and the Democrats on my right who are so minded. You know and I know this bill is directed at my people and at my institutions. But one of these days it may be your turn. You cannot tell who will occupy the Attorney General's position. You cannot tell who may be President of the United States. There is a possibility and it is not beyond the realm of possibility that somebody may be nominated at some convention whereby the election may be held in the House of Representatives. Then you cannot tell who may be President of the United States. It may be RIVERS. Would that not be a terrible thing for you? Yes, it may even be JIM EASTMAN who some of you people have been maligning. You cannot tell. I want to remind you of one thing. The mills of the gods grind slowly, but brother they grind, and your day may be next. I have listened to this debate and I have heard people talking about the voting conditions. I would like for you who are interested to know that in my State anybody who has sense enough to write his name can vote, and there are a lot of those people—you would be surprised—who do have that much sense. Anybody can vote in my State, as much

as they can in any other State. You do not have to pay 5 cents. We are not intolerant. The man who served the longest as speaker of the House of Representatives of South Carolina and who is now the speaker is an orthodox Jew. Not a man in South Carolina could beat him. You have not explored those possibilities in your headlong struggle to destroy my people and our institutions and discredit us before the rest of the world. I am just leaving these things with you before the dying days of this terrible concoction and it is a concoction which would turn the stomach of anybody who is interested at all in the Constitution of the United States.

Mr. DORN of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield.

Mr. DORN of South Carolina. I would like to say to my distinguished colleague from the lower section of South Carolina——

Mr. RIVERS. Which is the best.

Mr. DORN of South Carolina. But I served under the great Speaker of the House, Solomon Blatt, in 1939 and 1940.

On my last trip to South Carolina, I was informed that that great elder statesman, the Honorable Bernard Baruch, of New York City, who has lived there for more than 50 or 60 years and who amassed a great fortune on Wall Street in that great city cannot belong to many, many of the civic and private clubs in New York City. But, he has never been denied entrance in any club in the city of Charleston or the city of Columbia, S. C.

Mr. RIVERS. That is right.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent to proceed for 2 more minutes.

Mr. AUCHINCLOSS. Mr. Chairman, I object.

Mr. RIVERS. I thank you for letting me talk at all.

Mr. COLMER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

On motion of Mr. CELLER, and by unanimous consent, all debate was closed on the committee substitute, as amended.

The CHAIRMAN. The question is on the committee substitute, as amended.

The committee substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 627) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, pursuant to House Resolution 568, he reported the same back to the House with an amendment adopted in Committee of the Whole.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that further proceedings on this bill be postponed until Monday.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING ON MONDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, Saturday, it adjourn to meet at 11 o'clock on Monday.

The SPEAKER. Is there objection?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4256. An act to authorize the Honorable WILLIAM F. KNOWLAND, United States Senator from the State of California, to accept and wear the award of the Cross of Grand Commander of the Royal Order of the Phoenix, tendered by the Government of the Kingdom of Greece.

LEGISLATIVE PROGRAM FOR TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, I would like to announce the program for tomorrow. The point of order bill will be taken up.

The flood disaster insurance bill will be brought up.

The bill increasing exemptions for movie taxes will be brought up.

Mr. MARTIN. This is for tomorrow?

Mr. McCORMACK. This is for tomorrow.

Mr. MARTIN. Is there anything further for tonight?

Mr. McCORMACK. Nothing of a legislative nature.

The SPEAKER. There are two conference reports to be taken up.

Mr. McCORMACK. There are two conference reports and perhaps some unanimous-consent matters.

Also tomorrow H. R. 10433, training personnel in the fishing industry.

Those bills will be on the program for tomorrow.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HALLECK. A rule has been granted on the atomic reactor bill. That is a measure that has passed the other body and many people think it is of great importance and that action on that is necessary before action can be had on certain other matters. I am wondering when the gentleman will schedule that bill for consideration.

Mr. McCORMACK. That is being scheduled for Tuesday.

Mr. ALLEN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. ALLEN of Illinois. When does the gentleman intend to schedule the public works bill for consideration?

Mr. McCORMACK. I will make an announcement tomorrow for next week's program. That will probably be one of the bills that will be taken up under suspension of the rules on Monday.

Mr. ALLEN of Illinois. Will the gentleman bring that up next week?

Mr. McCORMACK. I think I can announce with confidence that that bill will be brought up under suspension of the rules on Monday. That is the quickest way to get action on that bill.

HOSPITALIZATION AND CARE OF THE MENTALLY ILL OF ALASKA

Mr. O'BRIEN of New York. Mr. Speaker, I call up the conference report on the bill (H. R. 6376) to provide for the hospitalization and care of the mentally ill of Alaska, and for other purposes, and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman assure us that he will take some time to explain this conference report and will be willing to answer some questions concerning the report?

Mr. O'BRIEN of New York. Yes.

Mr. GROSS. I just wanted that assurance.

Mr. McCORMACK. Will the gentleman yield?

Mr. O'BRIEN of New York. I yield.

Mr. McCORMACK. If there are any rollcalls tomorrow, the rollcalls will go over until Monday.

Mr. MARTIN. What time will the House convene tomorrow?

Mr. McCORMACK. At 12 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. O'BRIEN]?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2735)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6376) to provide for the hospitalization and care of the mentally ill of Alaska, and for other purposes, having met, after full and free conference, have agreed to recommend

and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with a further amendment as follows:

Amend the first sentence of section 302 (a) so as to read:

"SEC. 302. (a) Within two hundred and ten days after the date of enactment of this Act, the Secretary of the Interior, with the concurrence of the Governor of Alaska, may either (i) assign all of his rights and duties under contract numbered 14–04–001–81, entered into on June 18, 1953, between the Secretary of the Interior on behalf of the United States, and the Sanitarium Company of Portland, Oregon, to the Territory of Alaska, such assignment to become effective on the two hundred and tenth day after the date of enactment of this Act, or (ii) terminate the said contract in accordance with the terms thereof."

And the Senate agree to the same.

LEO W. O'BRIEN,
ED EDMONDSON,
EDITH GREEN,
JOHN R. PILLION,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
WILLIAM R. LAIRD III,
THOMAS H. KUCHEL,
BARRY GOLDWATER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H. R. 6376) to provide for the hospitalization and care of the mentally ill of Alaska, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

H. R. 6376, as reported by the House, contained three titles. Title I contained detailed hospitalization and commitment procedures, title II contained the land and monetary grants necessary to implement the act, and title III contained miscellaneous provisions pertaining to the existing contract and appropriation of funds.

H. R. 6376, in title I, as reported by the Senate, gives authority to the Territory of Alaska to enact such laws on the subject of mental health as it may deem appropriate. This action would vest in the people of Alaska responsibility in the field of mental health comparable to that of the several States and the other Territories of the United States. In conference, the Senate version of title I was accepted in the anticipation that the Legislature of the Territory of Alaska will act to modify existing commitment, hospitalization, and treatment procedures for Alaska's mentally ill.

Both versions of title II of H. R. 6376 are identical in substance but with a minor change in wording. The House-passed bill provided that the monetary returns realized from the land grants would be administered by the Territory of Alaska as a public trust for the hospitalization and care of the mentally ill in Alaska. The Senate-reported bill specifies that these returns shall be applied to meet the necessary expenses of the mental-health program in Alaska. The managers on the part of the House accepted this Senate amendment which broadens the use of the revenues for use of the Alaska mental-health program rather than for the hospitalization and care of the mentally ill in Alaska.

Title III of H. R. 6376, as reported by the House, is considerably different in section 301 (b), in wording, but not in context from the Senate-reported bill. The Senate language recognized the desirability of providing a limited transition period between the effective date of the act and the time when the Territory must assume full responsibility for the implementation of the Alaska mental-health program. In recognition of this possibility, and to allow time for the Alaska Legislature to amend existing law governing care and treatment of Alaska insane, the Senate version fixes the mandatory transfer date on the 210th day after enactment of H. R. 6376. The House managers—particularly in view of agreement to delete the commitment provisions—have agreed to this Senate amendment to the House-passed bill.

Section 302 (a) of the Senate-passed bill deals with the existing contract between the Secretary of the Interior and the Sanitarium Co. of Portland, Oreg., in which the mentally ill of Alaska are now being treated at Federal expense. This section provided that the Secretary shall, within 30 days after the enactment of the bill, either assign the contract to the Governor of Alaska with his concurrence, or terminate the contract in accordance with its terms. Assignment would take effect on the 210th day after the effective date of the act. The existing contract provides for termination upon 6 months' notice. The conferees amended section 302 (a) to extend the time that the Secretary shall assign the contract to the Governor of Alaska or to terminate it from 30 to 210 days. This extension of time will permit the arrangement of the necessary transfer details. Prior to the acceptance of this amendment, letters of approval were obtained from the Departments of the Interior and Health, Education, and Welfare. These reports are included as appendixes to this statement of managers.

Section 302 (b) of the Senate-reported bill provides that 210 days after the date of the enactment of this act the unexpended balances of appropriations available to the Department of the Interior for the care of the Alaska insane shall be transferred to the Governor of Alaska to be used primarily in the administration of all laws pertaining to the Alaska insane. It also provides that for the remainder of the fiscal year ending June 30, 1957, additional funds are authorized to be appropriated to the Secretary of the Interior for transfer to the Governor of Alaska as are necessary for the case of the Alaska insane. Since the House conferees saw the importance of this amendment in order to be assured that the mentally ill would be properly cared for during fiscal year 1957, they agreed to this Senate amendment.

Subsection 302 (c) provides that costs of transporting patients to a hospital outside of Alaska shall continue to be paid by the Department of Justice until July 1, 1957. The House conferees agreed to accept subsection 302 (c) which provides this transportation.

Finally, the House managers agreed to and accepted the amendment whereby the Senate substituted new language for the title of the bill as follows:

"An act to confer upon Alaska autonomy in the field of mental health, transfer from the Federal Government to the Territory the fiscal and functional responsibility for the hospitalization of committed mental patients, and for other purposes."

In all other respects the conference committee agreed to the minor changes adopted in the Senate-passed bill.

LEO W. O'BRIEN,
ED EDMONDSON,
EDITH GREEN,
JOHN R. PILLION,
Managers on the Part of the House.

APPENDIX

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
July 11, 1956.

Hon. HENRY M. JACKSON,
Chairman, Territories Subcommittee, Committee on Interior and Insular Affairs, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your letter of July 2, 1956, advising us of the conference agreement on H. R. 6376, the Alaska mental health bill, subject to the concurrence of this Department and the Department of the Interior concerning two amendments to section 302 (a) of the bill agreed to by the conferees.

Section 302 (a) of the bill, which would be amended by the conference amendments, relates to the authority of the Secretary of the Interior to assign to the Territory or to terminate the existing contract with Morningside Hospital for the care and treatment of mental patients committed from Alaska. Inasmuch as this, so far as the Federal Government is concerned, is entrusted solely to the Secretary of the Interior, we would defer to the views of the Interior Department as to the acceptability and workability of the conference amendments. We understand that that Department has no objection to the amendments and we therefore likewise concur.

We are gratified to know that this will make unnecessary another meeting of the conferees and will thus expedite passage of the bill which is very much needed by the people of Alaska.

Time has not permitted us to obtain the advice of the Bureau of the Budget in connection with this report.

Sincerely yours,
M. B. FOLSOM, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., July 12, 1956.

Hon. HENRY M. JACKSON,
Chairman, Territories Subcommittee, Committee on Interior and Insular Affairs, United States Senate, Washington, D. C.

MY DEAR SENATOR JACKSON: This will reply to your letter of July 2, in which you request the comments of this Department on the proposed action of the conferees with respect to H. R. 6376, the Alaska mental health bill. The conferees have agreed to the Senate amendment, except that section 302 (a), the section which as reported by the committee would have required the Secretary of this Department either to assign or terminate the current hospital contract within 30 days, would be amended to authorize such an assignment or termination within 210 days.

This Department has no objection to the proposed action of the conferees.

Sincerely yours,
WESLEY A. D'EWART,
Assistant Secretary of the Interior.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield me 10 minutes?

Mr. O'BRIEN of New York. I yield 10 minutes to the gentleman from Nebraska [Mr. MILLER].

Mr. MILLER of Nebraska. Mr. Speaker, I may not use the 10 minutes, but I want to inform the House that the conference report on the Alaska mental health bill that is now before us is quite different from the bill we passed in the House. There has been a great deal of nonsense pro and con on this mental health bill that has kept Members of the

House greatly agitated. Much of the propaganda does not have an ounce of truth in its fabric.

In the past I have had some objections to the bill; I had some in the House, although I think the bill we passed in the House was a much better bill than we have here in this conference report. I did not sign the conference report.

The conferees took out the section on commitment procedures. I am sure my colleagues understand that the mentally ill for many years have been taken care of at an institution in Portland, Oreg. The cost of their care is about $6 a day at the present time. It used to be $4.

For several years Alaska has sent their mentally ill to the hospital in Portland. The commitment has been lax—patients have not been treated very well. Mentally ill patients are held in jail until a plane load can be gathered for the trip to Portland, Oreg. The House Committee on Territories worked hard and earnestly to develop some good commitment procedures. The gentleman from New York [Mr. O'BRIEN] made a magnificent statement when the bill was before the House calling attention to the need of commitment procedures. We adopted them. They were needed and it was the one strong compelling force that gave the bill merit.

In the Senate they took out all commitment procedures. There is no commitment procedure in this bill at all except we say to the Alaska legislators that they may adopt some commitment procedures, but what they are we do not know. They need not adopt any. The Alaska legislature can take the $12.5 million and thumb their nose at Congress.

The other reason I objected to the bill is because it carries $6½ million for the next 10 years to help the mentally ill; we are paying for it now. That is not too bad, but there is an additional $6 million to build a mental hospital in Alaska to care for the mentally ill. In the first place, the $6 million is not being matched at all by Alaska. It seems to me we should not proceed with them any differently than with other areas under the Hill-Burton Act where the States or other groups put up funds themselves. But the people of Alaska are not paying 1 thin dime towards the building of this institution.

They now have about 350 inmates at the institution in Portland and they are being cared for at a cost of about $6 a day. I have visited this institution. While it is not the best in the world the patients do get pretty good treatment; and Portland, Oreg., of course, has an ideal climate for the mentally ill.

As I say, there are two things in this bill to which I object: No commitment procedures. They must continue with the same old archaic and worn-out procedures they have had in the past, and I foresee no change in it at all except that the legislators may adopt some commitment procedures.

Second. They do not match any of the money we make available to them. The $6 million will not build a very large hospital in Alaska. The experts who appeared before us said that that would build a hospital for approximately 250 people and the requirement is for a hospital for 400 patients. This $6 million will not be enough to complete the needed hospital requirements.

I am sure the people of Alaska will not thank us for passing a bill that will cause them to pay $30 or $35 a day to take care of their mentally ill in Alaska with all the new trappings they have to have. They are getting care now for $6 a day in Portland, Oreg.

Mrs. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I think that the gentleman will remember my questions at the time when this legislation was originally before the House. I wonder if the gentleman could tell me if the provision that a million acres of land be given, has been removed from the present bill?

Mr. MILLER of Nebraska. No; the million acres of land is still in the bill, and I see no particular objection to that. We have heard cries from all over the country to the effect that we were building a little Siberia up in Alaska to send people there who do not think as we do. I do not give very much credence to those statements. The Congress in the past has given many millions of acres of land to the States for school purposes, for hospital purposes, and for various reasons. The million acres of land will be used by the Territory of Alaska. Out of some 375 million acres there are only involved about a million acres and this is in order to take care of their mentally ill when they do get a hospital, although I doubt very much that this will be sufficient to give them very much revenue for the care of the mentally ill.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from California.

Mr. McDONOUGH. I appreciate the statement of the gentleman from Nebraska [Mr. MILLER] being a member of the committee and familiar with the original bill as well as the conference report. Does the gentleman from Nebraska agree with me this is of such a controversial nature, and due to the fact the House was not fully aware of its contents when it was before us in the first instance, that at this time there should be a rollcall to determine whether or not it should be approved?

Mr. MILLER of Nebraska. I have had 6 or 8 Members ask for a rollcall. I presume that Members who want to stay here for the next 30 minutes will have a chance to vote on the conference report.

Mr. DIES. It was announced that there would be no rollcalls this afternoon.

Mr. McDONOUGH. Not this evening. Tomorrow.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from California.

Mr. HOSMER. Will the gentleman explain whether this is a million acres of land in total? Is it a maximum which the Territory could obtain, or just what does it amount to?

Mr. MILLER of Nebraska. I am not sure that it is spelled out in the bill. It does seem to me that we ought to have commitment procedure and (2) we should not give the Territory of Alaska or any State outright money where they do not put up one single dime. That thing is wrong in principle and, of course, I am not objecting to that. We ought to send this back to the committee and let it rest for another year. No harm will be done and we will save some money and we will have a chance to look at this matter again when the heat, the controversy, and the wave of emotions have passed over. We can then think a little more clearly.

Mr. FENTON. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Pennsylvania.

Mr. FENTON. What are the rules for commitment at the present time?

Mr. MILLER of Nebraska. In the bill passed by the House they are very high and they are very complicated rules. We spent several days in going over them. They were adopted by the American Psychiatric Association.

Mr. FENTON. In Alaska?

Mr. MILLER of Nebraska. They have no particular rules in Alaska and would not have under this bill. I doubt very much whether the legislature would adopt any.

Mr. FENTON. How are they committed now?

Mr. MILLER of Nebraska. They are committed by the court, and under rather crude proceedings, the sheriff takes them down to Portland. The need for commitment procedure was the reason for the bill in the first place. No one advanced any other reason that we must have a hospital in Alaska except that we must have commitment procedure. This bill does not contain any commitment procedure.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Iowa.

Mr. CUNNINGHAM. Much has been made in letters which I have received from people who are opposed to this bill that, if enacted, the governor of any of the 48 States could upon his own order commit a citizen of that State to this mental institution in Alaska without any further trial.

Mr. MILLER of Nebraska. That is a distorted idea of the facts and there is no basis for it.

Mr. CUNNINGHAM. Is it true that citizens of the various States, the 48 States, could be committed to this institution, and, if so, under what procedure?

Mr. MILLER of Nebraska. Just as they do in the States now. For instance, a citizen of Nebraska or Iowa might be in Alaska and become mentally ill and he could be sent back here.

Mr. CUNNINGHAM. Could they be transferred from Iowa or Nebraska up there now?

Mr. MILLER of Nebraska. If they are citizens of Alaska, yes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Iowa.

Mr. GROSS. I should like to ask the gentleman from Nebraska if quite an important change was not made in section 302 of the bill? It states that within 210 days the Secretary of the Interior, with the concurrence of the Governor of Alaska, may either, first, assign all rights and duties under contract No. 1404–01–81, entered into on June 18, 1953, between the Secretary of the Interior, and so on. Why was "shall" changed to "may"?

Mr. MILLER of Nebraska. I do not know. That was done in the other body, and it was not in the House bill. This bill is an entirely different bill than the one we passed.

Mr. GROSS. Does not the gentleman think that was an important change in the bill, and that therefore this bill ought to go back for further consideration to the Interior Committee and come back to the House next year?

Mr. MILLER of Nebraska. That is my considered judgment.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Is it not true that since 1912 Alaska has been forbidden by law from establishing commitment procedures?

Mr. MILLER of Nebraska. I think the legislature could automatically delegate that power, and apparently in this act they may enact some commitment procedure. This Congress should keep the responsibility of adopting good commitment procedures and not "pass the buck" to Alaska.

Mr. THOMPSON of New Jersey. Is it not a fact that this bill, if passed, will lift that restriction in order to enable the Alaska Legislature to establish some modern, reasonable commitment procedures?

Mr. MILLER of Nebraska. I do not think it is clear in the bill at all, sir. I am a doctor, and I have studied it very carefully and sat in on all of the hearings, and I have read the conference report, and I do not think that is so. Alaska may or may not adopt commitment procedures.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from California.

Mr. HOSMER. I would like to ask the delegate from Alaska a question with respect to the million acres of land that is specified in the bill. Will you describe the procedure and whether or not it is contiguous land and inform the House just what that situation amounts to?

Mr. BARTLETT. The procedures under the land grant section of the bill are comparable to those adopted in other bills before this House previously to convey land to Alaska. It is not necessary that the Territorial government take a block of 1 million acres in 1 block. They can take as many acres as they desire, with a minimum size of about 5,000 acres, and it is my best judgment that the Territory would never, if this bill is enacted into law, take 1 million acres at one crack.

Mr. HOSMER. And that acreage would not be for the purpose of a hospital site, either a small one or a gigantic hospital site, but for the purpose of obtaining revenues either from the sale or lease or other use of the land for the purpose of supporting the hospital, is that correct?

Mr. BARTLETT. The gentleman has put his finger on the proposition. After the bill was passed by the House, a lot of people around the country got the idea somehow—I do not know how—that the inmates of this institution would be placed on this million acres of land. Of course, that is not the case, and the gentleman is absolutely correct when he says the land is to be transferred so that the Territorial government will have revenue to carry out the mental health program.

Mr. HOSMER. One more question. In the selection of the land or the assignment of the land to the Territory is there any protection of the general interests of the people of the United States in the public domain?

Mr. BARTLETT. There very definitely is. The bill spells out that the Territorial government cannot take lands except those that are vacant and unappropriated. That means, of course, among other things, that the Territorial government could not go into the national forests; it could not go into sections that had been reserved by the Federal Government for special purposes. It would have to go on public domain land which is not appropriated or reserved. Nothing could be taken from any withdrawn area.

Mr. HOSMER. The gentleman says that this is not 1 million acres of contiguous land; that the Territory would not take 1 million acres in one lump, but gradually as it might need it; that it would take it away for the purpose not of the hospital site or location but for the purpose of revenues for the operation and investment in the hospital; and that fourth, the public interest would be adequately protected.

Mr. BARTLETT. I give that categorical assurance.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from California.

Mr. MILLER of California. Is not this a provision similar to those that have long existed in the grants of school lands in the West where one section of land in each township was given to the Western States for educational purposes; and that is still going on, those school lands are still being disposed of.

Mr. BARTLETT. Mr. Speaker, in answer to the gentleman from California I would say that he is right. But it can be narrowed down even further, because in respect to 5 Western States, grants of land were specifically made for mental health programs, and actually in the case of 2 of those States, the proportion of land granted to the whole area of the State was larger than in respect to the land to be conveyed under the bill before us.

Mr. MILLER of California. In the West we speak of our land-grant colleges. Isn't that where they originally got their start?

Mr. BARTLETT. This is all in accordance with our system of Government since we started. Land has been given to railroads. We started this with the Northwest Ordinance away back when and gave land grants to local governments for public purposes. This is in furtherance of that tradition.

Mr. TUMULTY. Mr. Speaker, will the gentleman from New York yield?

Mr. O'BRIEN of New York. I yield to the gentleman from New Jersey.

Mr. TUMULTY. May I say to the gentleman from New York that when the bill originally passed I received quite a few letters raising objection to the commitment procedures and other matters. I personally was not convinced of any merit in the objections and so advised those people. But since the bill has been amended, I must say that even those objections have been met. I think the gentleman from New York and the committee should be complimented for their patience and for their concern and for the results which they have produced. I thought the gentleman should know that.

Mr. O'BRIEN of New York. I thank the gentleman. And I might say that with the amendment that we accepted, there is no possibility—in fact, there never was—that any person could be hauled out of his home in the States to a Siberian camp in Alaska. I should like, in a moment, to deal with that at a little greater length. But I can assure any Member of this House who has received a communication expressing fear that any person in this country could be hauled up to Alaska, that he can vote for this bill in its present form without any doubts whatsoever.

Mr. MILLER of Nebraska. Mr. Speaker, would the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman.

Mr. MILLER of Nebraska. Was not the original purpose of the bill to have some commitment procedures set up? The gentleman based all his arguments and the Department of Health, Education, and Welfare based all their arguments on the great need of commitment procedure. That was the first and the only reason they gave. A secondary reason was that it was a hospital.

Mr. O'BRIEN of New York. If the gentleman will bear with me, in a few minutes, I shall answer that question.

At this time, Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. DAWSON], a member of the committee.

Mr. DAWSON of Utah. Mr. Speaker, I simply want to inform this body that this bill has received a lot of attention by our committee. Some of us spent 3 weeks this last summer in Alaska going into this matter there. And I will say to the Members if they could have gone along with us and seen the terrible conditions we found up there in regard to commitment of mental patients from Alaska down to Oregon, they would agree with us that something should be done and needed to be done.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DAWSON of Utah. I yield.

Mr. MILLER of Nebraska. The gentleman is not maintaining that this bill corrects the procedures, because there is nothing in the bill about the procedures?

Mr. DAWSON of Utah. The bill as it passed the House did have commitment procedures in there, which I felt were very desirable. It was a model act prepared by the American Psychiatric Association, one which, incidentally, is in effect in my State. It is recognized as a model act. I happen to have had the privilege of serving as State Welfare Commissioner in charge of mental hospitals in my State. I saw the act work after it was in effect and I saw it before. I tell you that it has worked out beautifully. I only wish other States had it. However, the Senate saw fit to strike out the commitment procedures because of the adverse publicity that has been stirred up around the country over this bill. So I can simply say this, that those of you who believe in giving a little autonomy to the Territory of Alaska and letting them go ahead and attempt to work out their own commitment procedures certainly should not object.

Some may say, "Perhaps they are going to adopt some laws up there you may not approve of." My answer is this: The Legislature of the Territory of Alaska cannot pass any law that is not subject to veto by the Congress, so we will still have an opportunity to overrule them if they adopt some measures up there with which we are not in accord.

Certainly the least we can do for those people up there is give them the right to solve some of their own problems. That is what the Senate amendment does. It strikes out the commitment procedures these people object to and gives the Territory the right to adopt its own procedures.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DAWSON of Utah. I yield to the gentleman from Iowa.

Mr. GROSS. If these commitment procedures were as good as the gentleman says they are, and perhaps they are, what good is this bill without the commitment procedures the gentleman says are so good? How can the Territory of Alaska put them in?

Mr. DAWSON of Utah. The bill does two things. In the first place, it gives a million acres of land in Alaska for the purpose of setting up a trust fund to help construct hospital facilities so that they can carry on their own mental-health program just as you do in the State of Iowa.

In the second place, it provides there will no longer be this system of transporting these patients down to Morningside in Oregon. It gives the Secretary of the Interior the option of transferring this contract to the people in Alaska or to terminate it entirely. What we are doing is giving these people a chance to solve their own problems up there. Those of you who have been down here arguing against statehood for Alaska and Hawaii ought to be in favor of this procedure. All you are doing is giving them up there the right to solve their own problems. If you do not give them this opportunity, you are going to have it right in your lap here in Congress, and we as a committee are again going to have to go up there and tell them how to solve these local problems.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. DAWSON of Utah. I yield to the gentleman from New York.

Mr. PILLION. We have heard a great deal about this 1 million acres to be allotted to the Territory. Can the gentleman tell us what the current market value may be of 1 million of the very best acres in Alaska?

Mr. DAWSON of Utah. Of course I cannot answer that question. It depends on where they are selected. If they go down on the coastal area, in the Juneau area, they have some pretty valuable land there. A million acres of land in Alaska taken as a rule are not very valuable. There has been some complaint made that perhaps they might go up there and take some land that has been set aside for the Navy. I think the gentleman from New York raised that question. The bill provides that they shall not get into withdrawn areas, so all this area is withdrawn.

Mr. PILLION. Excluding that oil reserve, and with regard to the rest of the land in Alaska, does the gentleman think the Territory of Alaska would not take the very best lands available?

Mr. DAWSON of Utah. Certainly, you can be sure they will select the very best land they can get.

Mr. PILLION. Assuming that they do select the best land they can get in Alaska, can the gentleman tell us what the possible current market value of those lands might be?

Mr. DAWSON of Utah. I could not answer the gentleman's question. I do not know the market value. But I can say this. It is costing us at the present time approximately $1 million a year to care for the mental patients we ship down to Morningside Hospital in Portland. This bill provides that for the first few years we will continue to give them $1 million. Then the amount will gradually be decreased until at the end of 10 years we will be contributing nothing, and the Territory will carry on the program from there.

Mr. PILLION. And the Government would then be relieved of that differential?

Mr. DAWSON of Utah. That is right. The gentleman must understand this. The Government owns 99 percent of all the land area in Alaska and Alaska has no way whatever of supporting a mental health program without giving them some of these lands to get it set up.

Mr. PILLION. I agree with the gentleman. All I am trying to find out is what we are giving to Alaska for the purpose and how much we are giving to them for the purpose of maintaining these institutions and I am trying to compare that with the amount it is costing us today.

Mr. DAWSON of Utah. The Government will continue to own over 90 percent of the land even after we give them the million acres.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DAWSON of Utah. I yield.

Mr. MILLER of Nebraska. Does the gentleman not agree that the outright gift of $6 million to build the hospital is not enough to build more than a 300 bed hospital, which is not large enough. Second, ought there to be some matching funds as is now required under the Hill-Burton Act?

Mr. DAWSON of Utah. I do agree with the gentleman. In the first place, they have underestimated the cost of this program. I know comparing the the cost with some of our States, I think it is underestimated.

Mr. MILLER of Nebraska. And the Federal Government will be expected to take up the gap?

Mr. DAWSON of Utah. Permit me to finish answering the gentleman's question. The Territory of Alaska, when they do get on their feet, at the end of a 10-year period certainly will have to come in as the rest of the States do under the Hill-Burton Act and match these funds.

Mr. MILLER of Nebraska. Of course, they come in under the Hill-Burton Act now and they have received a great deal of money in Alaska under the Hill-Burton Act, and matching funds under the Hill-Burton Act, but not on this particular hospital.

Mr. DAWSON of Utah. But they will after they get set up in business at the end of 10 years.

The SPEAKER. The time of the gentleman has again expired.

Mr. GROSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, 3 years ago, as a member of the House Interior and Insular Affairs Committee, I participated in hearings in connection with the hospitalization and care of the mentally ill in Alaska. I know something of the need for facilities in Alaska for the care of the mentally ill.

However, as the distinguished gentleman from Nebraska [Mr. MILLER], ranking minority member of the committee and a doctor, has said, this bill was practically rewritten by the other body and in conference until it is a far cry from the legislation originally approved by the House.

I now take exception to the elimination of the commitment procedures and I regret exceedingly that the bill continues to provide that the Federal Government give Alaska 1 million acres of land and $6 million for the construction of a hospital.

This conference report ought to be rejected and proper legislation approved by Congress at the earliest moment in the next session of Congress.

Mr. MULTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, I want to take this moment to congratulate our colleague from New York [Mr. O'BRIEN] and the members of this committee, who together with him have labored long and hard to bring to this House the very best possible legislation on this very difficult problem. None of us pursue our work with the expectation of thanks or gratitude for the job, no matter how well done. At the same time, no matter how strongly one may disagree with the result of the legislation we produce, we should not be abused.

Most of our colleagues have learned to disagree with one another but to do so agreeably. Unfortunately, some of our citizens have not yet learned that important lesson.

Our distinguished colleague, Mr. O'BRIEN, is entitled to, and has received on this floor today, an expression of gratitude from all of his colleagues, including those who disagreed with him.

Unfortunately, some of our citizens have seen fit to heap abuse upon him and upon others of us. The best we can say for them is that they are misguided.

Some of that abusive literature found its way into the CONGRESSIONAL RECORD of July 18, 1956, by an insertion in the RECORD, at page 13427, by our colleague from California [Mr. JACKSON].

I ought not to dignify it with any attention. I refer to it only because the insertion contains only half the story about one of the many crackpots who have written Members of Congress on this subject. If our colleague [Mr. JACKSON] had asked to see the communication which brought forth my response, I am sure he would never have made the insertion in the RECORD.

For the benefit off all interested, I set forth, in full, the contents of the postcard I received, as follows:

DEAR MR. MULTER: If and when the so-called mental-health bill passes the Senate, it will be then possible for super-patriots (not citizenship-collecting swine) to nail for good the vast Democratic Party homosexual membership with charges of mental disorder in a door-to-door one-street campaign. Do all you can to get this bill passed. Adlai, and a vast array of Democratic bigwigs and legislators will be exposed with United States Government approval.

C. MOTE, Jr.

I am sure my colleagues will agree that I very properly responded, as follows:

DEAR MR. MOTE: Your post card of March 14, 1956, has been received.

As soon as the mental-health bill is signed into law by our Republican President, after it has been passed by a Democratic Congress, I will make a special request that the first bed be reserved for you.

Yours very truly,

ABRAHAM J. MULTER.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, first, may I say what a privilege it has been to work with the gentleman from New York, the very able, the very distinguished chairman of the committee which has been working on this legislation for almost a year and a half now. The time and effort he has spent, the unlimited patience, his sincere interest have been appreciated by all of us throughout the many months that we have worked on this bill.

Mr. Speaker, the gentleman from Nebraska, who has opposed this bill throughout the committee hearings, in the conference, and today on the floor, and who opposed an audit of the books of Morningside Hospital, the gentleman from Nebraska would have us believe that everything is fine at Morningside Hospital. This is not so. Much has been said about my city of Portland, and in my opinion there is no more beautiful city in the United States; I will fight for the people of my district, for their rights, for their industries, for their payrolls, for their future. But I cannot and I will not defend Morningside Hospital as an ideal place to send the mentally ill of Alaska. It is not. In my opinion, the care of the patients has been neglected, has been sacrificed for the profit that could be made.

And at this time I would insert in the RECORD an article which appeared in the Portland Oregonian on Wednesday, July 11, of this year. It spells out in accurate detail what has been happening at Morningside.

GAO FINDS BOOKS ERR AT HOSPITAL

(By A. Robert Smith)

WASHINGTON (Special).—An audit of the books of Morningside Hospital, Portland, by the United States General Accounting Office has disclosed that the sanitarium company made twice the profit it reported to Congress last year and that its owner and president, Wayne W. Coe, has diverted substantial sums from company accounts for the personal use of himself and family.

The GAO report was sent to Congress accompanied by a letter from United States Comptroller General Joseph Campbell, an appointee of President Eisenhower, in which he suggested that the Treasury Department and its Internal Revenue Service "make a careful review of the Federal income-tax returns of the sanitarium company and its president, Mr. Wayne W. Coe."

PERSONAL OUTLAY NOTED

Campbell said the GAO audit "disclosed a number of significant instances where expenditures of a capital nature and personal expenses of the company president were charged to business expenses of the sanitarium company. These items were claimed as deductions from income on the company's income-tax returns."

"The examination also disclosed certain deficiencies in the administration of contract provisions for the Secretary of the Interior by the office of territories," Campbell told Congress.

EDITH GREEN SPONSORS BILL

The report detailing the GAO findings was released Tuesday by the House Interior Committee, which ordered the investigation last July after approving the Alaska mental health bill. Representative EDITH GREEN, Democrat, of Oregon, sponsor of the mental health bill, called for the audit after hearings brought out that in more than 50 years of operating under Government contracts the company's books had never been audited by the Federal Government.

Morningside Hospital, located at 10008 Southeast Stark Street, is run by the sanitarium company as a mental institution which handles principally patients from Alaska, inasmuch as the Territory has no mental facilities of its own. It also serves the United States Public Health Service and Multnomah County to a lesser extent. The bulk of the company's income stems from Government contracts for patient care.

Details of an audit of the books of Morningside Hospital were made public Tuesday by the House Interior Committee in Washington.

The report said:

"Mr. Coe's personal expenses that were charged to company expenses included: (1) Travel expenses of Mr. and Mrs. Coe to South Africa and Mexico, (2) expenses of operating company automobiles used exclusively by the Coe family, (3) premiums on Mr. Coe's personal life-insurance policies, (4) wages of domestic help at the Coe residence located 10 miles from the hospital (at 1997 Southwest Carter Lane, Portland), (5) household expenses, such as clothing, food, dry cleaning, utilities, and repairs at the Coe residence and at the Coe beach property located about 100 miles from the hospital (at Gearhart), (6) insurance on the Coe residence, the Coe beach property, and the Coe ranch in eastern Oregon (at Stanfield), and (7) architect fees and construction costs of a flower room and a plant room at the Coe residence."

TOTAL REACHES $231,413

The report put the total of these expenses at $231,413 for the 19-year period from 1936 through 1954. GAO said in addition, during this period Coe drew $473,500 in salary as president, $332,437 in company profits, and $6,458 from sale of company livestock for which he retained the proceeds—making a total income of $1,043,808.

Before releasing the GAO report, the House committee several weeks ago sent Coe a copy and invited him to testify in his own behalf. In a reply received by the committee Monday, he said: "I cannot see how an appearance before your committee at this time would serve any useful purpose."

As for the matter of his personal expenses charged to company funds, Coe explained as follows: "I am not sure whether the auditors realized that in certain types of businesses, notably prisons and mental hospitals, certain key positions receive, in addition to regular salaries, living and household expenses on the theory that these persons are actually on call 24 hours each day. This is an accepted practice and is general throughout the country."

GAO REFERS TO CODE

The GAO report on this point declared: "Generally, the Federal internal revenue code does not allow a corporation to deduct such personal, living or family expenses as business expenses in computing corporate taxable income. In our opinion the items in question do not constitute business expense."

GAO said the sanitarium company's profits over the 19-year period were $821,406, rather than $403,234—a figure Coe reported to Congress last year, upon request, as net profit from 1936 through 1953. Coe at that time also told Congress that the company's average net profit over the years was "a little over 1 percent." The GAO report found that profits averaged 26 percent, ranging from a low of 7.5 percent to a peak of 43.8 percent.

During the past 19 years when Wayne Coe was receiving a personal return of over $1 million from the operation of Morningside Hospital, he cut corners by inadequately staffing the mental institution, the Accounting Office concluded.

PROCEDURE CRITICIZED

In its report to Congress, GAO declared:

"The Morningside Hospital staff does not include nor has an inadequate number of employees in several important professional positions recommended by authorities on mental health. These include a psychiatric social worker, a dietitian, additional registered nurses, and hydrotherapists."

Nothing that the contract which the hospital company has with the Interior Department for Alaskan patients does not specify the minimum staff requirements, the report recommends that Interior amend the contract to require Morningside to employ professional staff as recommended by "recognized authorities."

GAO was also critical of the procedure used for burying deceased. Investigators "found some evidence of the burial of 2 bodies in 1 grave."

"The president of the cemetery explained that in those burials they dig a deeper grave and bury the second body above the first or dig a wide grave and bury the bodies side by side; but he added that the burial of 2 bodies in 1 grave is seldom done," the report said.

GAO said that "in our opinion the remains of deceased patients are not 'interred decently' as required by the contract because of the location of the graves, the absence of outer cases, and the quality of the grave markers."

RELIGIOUS SERVICE LACKING

Burials are handled currently by Miller & Tracey mortuary, Portland, which the report said receives $75 each for interment, the amount allowed Morningside under its Government contract. In 1952, Interior's medical officer stationed at Morningside, Dr. George F. Keller, reported after a visit to the cemetery that the caretaker told him "there was never any religious service" and that "they used to save them up and bring them out 4 and 5 at a time." At that time, interment was being handled by Colonial mortuary, Portland.

The current contract held by the sanitarium company with Interior runs until 1958. It provides for the Government to pay $184 per month per patient. The figure was reached in negotiations between Coe and Interior officials in 1953, after Coe originally asked $210 as a base rate. GAO recommended that hereafter Interior "should carefully consider the nature and extent of (1) operating expenses, (2) capital improvements to be made, and (3) margin for profit and risk to be allowed under any new contract."

The audit of the hospital accounts had its genesis in a disclosure made during congressional hearings last year on Representative EDITH GREEN'S Alaska mental health bill. It was that when the contract came up for renewal in 1953, Coe refused to agree to a provision which gave Interior the right to have the company's books audited. When Interior agreed to delete the clause Coe signed the contract.

The committee later asked GAO to audit the books. GAO, in its report, said its investigation was "restricted by the absence of cash books and journals for the period prior to 1946, the absence of paid checks and bank statements prior to 1950, and the absence of invoices prior to 1955, except for invoices for professional services for 1954 and part of the repair, maintenance and construction invoices for 1950 through 1954."

PRACTICES APPROVED

Wayne W. Coe obtained control of the Sanitarium company March 15, 1935, when he purchased 598 of the company's 600 shares from his mother, Mrs. Elsie Ara Coe, who was the sole heir to the company's property when her husband and its founder, Dr. Henry Waldo Coe, died in 1927. Dr. Coe founded it in 1899. His will provided that each of his three sons, Wayne W., George C., and Earl A. Coe receive 16⅔ percent per annum of the net profits. GAO said each brother has received $91,113 under this part since 1936.

GAO said that shortly after gaining control of the company, Coe brought up the issue of personal expenses at a board of directors meeting. The minutes of that December 31, 1936, meeting show that "Wayne W. Coe called the attention of the directors to the fact that it had been his practice to draw or avail himself of a few perquisites from the hospital and this practice for the past and future was duly approved by a motion regularly put and passed."

"Mr. Coe advised us," GAO reported, "that the minutes of the December 31, 1936, meeting of the board of directors, the sanitarium company, relating to 'perquisites' covered his views as to the propriety of charging expenditures of a personal nature to company accounts."

Among the itemized perquisites discovered by GAO were:

Trip to South Africa, return via Europe, $4,281; trip to Mexico, $696; miscellaneous travel, $8,525; life-insurance premiums, $36,763; wages of gardeners and domestics at Coe residence, $24,925.

In connection with Coe's three residences, he charged "such items as fuel, light, water, garbage service, plumbing and electrical repairs, dry cleaning, plants and flowers, groceries, meat, dry goods and clothing," the report said. It added:

"Other expenses were for company automobiles used exclusively by the Coe family, purchases in Victoria and Vancouver, British Columbia, doctor bills, drugs, veterinary fees for dog, and fishing equipment."

GAO limited its detailed audit of Coe's personal expenses to the years 1953 and 1954, although some major items, such as the 1951 trip to Africa, were noted for other years. It estimated other personal expenses from 1936 through 1952 at $130,000—a figure which the report said Coe agreed was "reasonable."

Mr. Speaker, I have in my files numerous letters about the slave labor camp, about the lack of adequate professional staff, about the absence of plain decent care for the mentally ill who have been confined at Morningside Hospital. And in spite of enormous profits the owner of the hospital has made, he has said there is not enough money.

Mr. Speaker, it is my contention that the people of Alaska are entitled to better treatment than they are receiving. For 50 years by Federal statute we have prevented Alaska from caring for their own mentally ill.

This legislation would turn over to them the responsibility for establishing an integrated mental health program; it further provides the necessary financial grants to make this possible.

I hope that the reports next year and in the years to come will not show that we have neglected the welfare of the mentally ill, in order ot allow one person to make enormous profits. I hope that the record will never again show that we have allowed a situation to exist wherein even a minimum number of doctors, nurses, social workers, and other professional people have not been hired, so that those in charge could make more money. It is a sad day when we sacrifice human welfare for the almighty dollar. And we have sacrificed it for far too long. This bill is absolutely necessary. Fifty years of neglect cannot be corrected in 1 day nor in 1 year. But we can make a start. I urge the adoption of the conference report.

Mr. O'BRIEN of New York. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I yield to the gentleman from California [Mr. HOSMER].

Mr. HOSMER. I just ask the gentleman to yield to state that although this million acres up there is not being designed or contemplated for a concentration camp, I still believe the bill as it came out of conference is not adequate to accomplish the purpose because it was more or less drafted in the heat of emotionalism that was drawn up over the issue. I believe a delay of 6 months or so, until such time as a more carefully drafted proposal might be put together, one probably less expensive and more adequate, would not be fatal to the interests of the United States or the people of Alaska.

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield.

Mr. ROONEY. Is not this legislation part of the administration's dynamic program?

Mr. O'BRIEN of New York. Yes. I was about to explain that the bill, as it passed this House, had the support of the Eisenhower administration. The conference report, as it is before the House now, has the support of the Eisenhower administration—not only the support but the solid, enthusiastic support of the Eisenhower administration. So we do not have here a question of civil rights, which might divide parties or sections. We have a case of human rights in which politics has no part whatsoever, although I respect the dissenting views of the gentlemen who have spoken here today. It has not been easy, Mr. Speaker, to stand as an advocate of this administration legislation. The price has been heavy in terms of work and personal abuse such as I have never experienced in all my life. Because I agree with the President of the United States, with the Department of the Interior, with the Department of Health, Education, and Welfare, with the American Medical Association, with the National Federation of Women's Clubs and many other organizations, and especially with the people of Alaska, that the latter should be freed from an evil system which treats sick people as criminals, I and you, by indirection, who support this legislation, have been labelled traitors, Communists and other unspeakable names.

Mr. Speaker, if I did not believe firmly in the cause which this bill represents, I would have stepped aside long ago. But I have willingly made myself a target so I could have a small part in bringing this legislation to its present point.

I am proud that not a single vote so far has been cast against the idea of this legislation, in either House of the Congress.

I shall not belabor the Members of this House at this stage of an expiring session, by holding up again the dark and ugly picture of what now exists in Alaska and, Mr. Speaker, exists by mandate of the Congress itself. Let me say only

that by Federal law we make it necessary that the mentally ill of that great Territory of ours are treated as criminals, charged with the crime of being mentally ill, tried by unlearned juries, convicted, and then jailed until the United States marshal, who hates the task we have given him, has the time to take that sick person, who may be a child or an elderly woman, often in company with hardened criminals, 2,000 miles away from his or her loved ones to a private hospital in Oregon, operated at an enormous profit. I ask if any Member of this House would tolerate for 5 seconds any member of their family being subjected to that?

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield.

Mr. MILLER of Nebraska. The gentleman is not maintaining that there is any commitment procedure that changes it in any way whatsoever, nor do we know that there will be any changes. We had a good bill in the House, but this bill, put together in the emotional range that went over the country is not a good bill. The gentleman is making a good statement but he is not speaking to the bill. It does away with jails and sheriffs.

Mr. O'BRIEN of New York. When the gentleman says I am not speaking to the bill, I suggest a description of what we are trying to cure is pertinent to the bill, and I shall answer the gentleman. I heard his point when he raised it originally, and I shall answer him when I arrive at that point in my statement.

Some of you know that for attempting to erase these stains from our national honor, we have been attacked, and I say "we" advisedly. We have been accused of treason by a certain doctor in Los Angeles who has employed "experts" to lobby among us for a price. We have been charged with being party to a Communist plot under which your friends and neighbors could be taken from their homes in the dead of night and spirited off to a Siberian camp in Alaska. That is one reason these committal provisions are out of this bill, because while certain people for indefensible reasons circulated these charges, other people who are only confused believed them. I say to the distinguished gentleman from Nebraska [Mr. MILLER] that when we passed this bill last January in the House, with these fine procedures to which he is so wedded, we also provided in that bill that any and all of those procedures could be rewritten, every line, every comma, every period by the Legislature of Alaska. So now we suggest only that we go in the front door instead of the back door and permit that great Territory, which wants the task, which wants the obligation, to write its own committal provisions.

May I say and predict that when the legislature of the Territory of Alaska convenes, it will adopt the very provisions we have deleted from this bill. Any public official in that Territory who permitted for one unnecessary minute this jailing of sick people to continue would be drummed out of public office.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield.

Mr. DIES. Of course there is not any basis for this propaganda we have received that people in the United States could be committed to Alaska. I know there is no basis for it, but I want the gentleman to state that for the RECORD.

Mr. O'BRIEN of New York. I state that positively and sincerely.

If any of the things which have been charged were true I would have had no part in this legislation. My only concern, I say to the gentleman from Texas, is that some good people in our country have been misled by the tossing around of this million acres. They have painted for us a picture of a huge hospital. Let me tell you that for $6,500,000 you cannot build a huge hospital in Alaska.

Mr. DIES. Will the gentleman explain what this land will be used for, and if sold whether the proceeds are to be used for the hospital or what will be done with it?

Mr. O'BRIEN of New York. The primary reason for the land grant is to give the Territory of Alaska a tax base. As the gentleman knows, 99.5 percent of the land in Alaska today is owned by the Federal Government. The 1 million acres, and it sounds like a lot were we to place that million acres in the State of Rhode Island, constitutes only .27 of one percent of the Territory of Alaska.

Mr. DIES. Will that be deeded to the mental hospital?

Mr. O'BRIEN of New York. No; it will not. The revenue from the sale, or rental, or whatever may be done with the land will be used to finance in part this mental health system.

Mr. DIES. Who will handle the land? Who will administer the land and decide whether it is to be sold, leased, or rented?

Mr. O'BRIEN of New York. The Governor and the Legislature of Alaska, just as any State might do if it were given a grant of public land for school, hospital, or any other purpose.

Mr. DIES. We are simply offering the land to the Legislature of Alaska and they will have control over the land.

Mr. O'BRIEN of New York. That is exactly correct.

Mr. DIES. But they have to use the proceeds for the mental hospital.

Mr. O'BRIEN of New York. They have to use it for their mental-health system. That was provided because we believed that it is just as important to prevent or cure mental illness as it is to put people in the hospital after they become insane.

I am going to try to answer a point brought up by the gentleman from Nebraska earlier in the discussion.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I wish first to answer a point the gentleman raised earlier. The gentleman said this would not be sufficient money to provide for the 400 patients now being taken care of in Morningside. Actually the number is about 360 patients, and I tell this House that many of these patients arrive 2,000 miles away from their homes only to be found to be alcoholics. And they are kept there at Government expense.

I would think that Alaska, given this autonomy, would eliminate from mental institutions this type of person and also eliminate people who can be cured by early treatment.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Would not the gentleman say, notwithstanding the commitment procedures are not before us in this bill that certainly the power has been given under this legislation to the Legislature of Alaska if and when it chooses to do so to reform its commitment procedures?

Mr. O'BRIEN of New York. I think from my own observation, from the voluminous testimony we received that Alaska wants above everything else to reform these procedures; that Alaska is sick and tired of the dead hand of a Federal law which says, "You must jail your sick."

It will be done immediately Alaska gets this authority.

Mr. THOMPSON of New Jersey, Mr. Speaker, will the gentleman yield further?

Mr. O'BRIEN of New York. I yield.

Mr. THOMPSON of New Jersey. Would not the gentleman say further that even until the laws in Alaska are changed and under the present commitment procedures it certainly would be better to have the hospital in Alaska rather than in a private profit-making ill-run institution 2,000 miles distant?

Mr. O'BRIEN of New York. I would say to the gentleman that if the institution to which he referred was the Waldorf Astoria there would still be a crying need for this legislation because children have been ripped away from their families, wives from their husbands, and sent down to Morningside. No wonder they say in Alaska: "Inside, outside, Morningside."

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I want to inquire of the gentleman if this Congress would have any control or the right to pass upon any commitment procedures that might be adopted by the legislature of Alaska?

Mr. OBRIEN of New York. The answer is that Alaska is still a Territory, Alaska is still bound by the Constitution of the United States, and the Congress still has control of a Territory.

Mr. MILLER of Nebraska. Then the Congress here would be indirectly responsible for rules and regulations adopted by the legislature of Alaska?

Mr. O'BRIEN of New York. I would think and hope that Congress would keep a continuous eye on what is done in Alaska.

Mr. MILLER of Nebraska. The gentleman spoke about alcoholics that appear sometimes in Portland. I think that is true, but I may say to the gentleman also that every mental institution in the country has alcoholics, it is nothing new, and there will be nothing new in it 50 years from now.

Mr. O'BRIEN of New York. The big difference is this, may I say to the gentleman from Nebraska: If a man turns up at the Poughkeepsie State Hospital

in my State as an alcoholic and does not belong in that institution, it is a much simpler matter to send him home than it is from Portland, Oreg., to Fairbanks, Alaska, which is 2,000 miles away.

I have one final thing to say on this subject. I say that the attacks which have been made on this legislation, not in this House but by people on the outside, have challenged the integrity of Congress itself. We have been told that no hearings were held on this bill. We held hearings from January to July and then went to Alaska for more hearings.

At the height of this bilge which has poured over the Capitol, with full awareness of the charges, the Senate held hearings which fill a thick volume, then passed the bill unanimously. I have no concern about the hate publications which have entered into this fight. My only concern is that we at this 11th hour, on the excuse of more study, another 50-year deep freeze, will not say: "Oh, let us wait a little while."

If we yield, Mr. Speaker, we are admitting that these charges are true, that this legislation was rigged up by devious schemes. I say to the Members of the House and I say to those who have made these charges, that we obtained a rule on this bill in January. Every Member of the House was on notice and could have come here and attacked these provisions. But, may I say, there was no such attack, because these terrible things only existed in the feverish imagination of certain people.

Mr. MILLER of Nebraska. But the bill we are considering now is not the bill we had up in the House in January. The gentleman brings back a bill here that is an entirely different bill, with no commitment procedure. This is a purely slung-together bill, it does not have any rhyme or reason in it to me, as a medical man. I hope we can take a little more time next year. I am for it; I would like to see a sensible bill adopted, but this is not the bill.

Mr. O'BRIEN of New York. I respect the gentleman's position as a medical man. I will say that this legislation does appeal to a number of medical men and I have seen no challenge of it by the American Medical Association.

Mr. WILLIAMS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. I have received quite a number of letters and have been contacted, I am sure, by people who have been under the influence of this propaganda that the gentleman speaks about. On the basis of his argument, I am quite convinced that these charges are probably groundless. However, I am wondering if the gentleman might tell the House, if he knows, what the motives are of the people who have stood up such a tremendous propaganda campaign against this bill.

Mr. O'BRIEN of New York. I thank the gentleman for his question, and I am in a position where I must only guess what the motives are.

Mr. WILLIAMS of Mississippi. I am at a loss to understand, myself.

Mr. O'BRIEN of New York. But I think one motive is this. There is a certain group in our society, in our Nation, which is opposed to any advancement whatsoever in the field of mental health, who would, if they had the chance, tear down the mental health hospitals we have in our several States and would consider the ideal way to treat sick people is to return to the village madhouse.

Mr. WILLIAMS of Mississippi. Can the gentleman see the profit motive in there?

Mr. O'BRIEN of New York. I would not like to charge that, because there is only one group which could profit by the defeat of this conference report, and that is the group which is running Morningside Hospital. The profit there has been very substantial. It is a profit which has been made on the caring for sick people. That is legal, but, as I say, I am not interested in those profits.

May I say briefly, Mr. Speaker, that there is no question of credit here. I have said that this is an administration bill. It bears the name of the gentlewoman from Oregon. I have fought for it as best I could. But, this did not start at this session; it began before I came to Congress. For example, the distinguished gentleman from Pennsylvania [Mr. SAYLOR] fought long and hard for this legislation and secured its passage through this House in the 83d Congress.

Mr. ROGERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. I want to say to the House that we are deeply indebted to the gentleman from New York and the members of his subcommittee who have worked so hard on this legislation. We are indebted also to those who served on this committee of conference. These people have been attacked in a most vicious way here, as well as other members of the Interior Committee, of which I am a member, and I certainly hope that the Members of this House will not be guided by what some hotheads on the outside said, but will meet the responsibility of this mental health problem in Alaska as it has been met by the gentleman from New York and the Members who have served with him.

Mr. O'BRIEN of New York. I thank the gentleman.

Mr. DAWSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from Utah.

Mr. DAWSON of Utah. I just want to add my word of commendation to the chairman of this committee. I do not know of any chairman of any committee that I have had anything to do with that has been more patient, more understanding of this problem than the chairman of this committee has. He has been absolutely impartial, nonpolitical and has given everybody a chance to be heard. And, I am surprised that he has maintained the patience he has.

Mr. O'BRIEN of New York. I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I would like to join in the comment of the gentleman from Utah. There has been no more diligent Member of this House in this session of the Congress than the gentleman who is now speaking in the well of the House, Mr. O'BRIEN. He has done a masterful job. He has taken abuse that most people would have rebelled at. He has been maligned by people who have ulterior motives, and the best thing this House can do to establish its own integrity and stand up for the Members who are willing to stand on the firing line and be counted is to overwhelmingly adopt this report and allow the people of Alaska to establish their own commitment procedures and to see to it that the loved ones in Alaska are given the kind of treatment and to the same extent that the people in every State get.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman.

Mr. SISK. May I say to the gentleman that I want to join in every word uttered by the gentleman from Pennsylvania [Mr. SAYLOR]. I want to pay tribute to my distinguished chairman, the gentleman from New York [Mr. O'BRIEN], for the excellent job that he did. As a member of the committee I know of not only the hours but the days and weeks and even months that have been spent in hearings, and of the advice and testimony received from Dr. Overholser and many of the most eminent mental authorities in America today. I think it is an excellent bill and I agree with the gentleman from Pennsylvania [Mr. SAYLOR] that the bill should receive the unanimous vote of this House.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the Delegate from Alaska.

Mr. BARTLETT. Mr. Speaker, I want to say that the gentleman from New York [Mr. O'BRIEN] has the gratitude of the people of Alaska for what he has done for us and my own personal gratitude will be lasting.

Mr. O'BRIEN of New York. I thank the gentleman.

Mr. JONAS. Mr. Speaker, would the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I should like to say to the gentleman that I have received a great deal of mail on this subject, too. I read the Senate hearings with great care and was enabled to answer the questions satisfactorily, I thought.

I am not opposed to the Territory of Alaska being permitted to handle its problem in this field. My only concern about the bill as it is now written is with respect to the 1 million acres of land. I understand that under the terms of the bill the Territory itself is permitted to select the land. It strikes me that is being just a bit on the liberal side.

Does not the gentleman think that the United States Government ought to have something to say about where the land should be that is selected and should we not be given the right to come to an agreement with the Territory?

Should we not consider it together, pick out the 1 million acres together instead of just allowing the donee to make the selection without any strings attached?

Mr. O'BRIEN of New York. Mr. Speaker, may I answer the gentleman in this way: In the first place, the 1-million-acre figure came into being on a motion in our committee by the gentleman from Nebraska [Mr. MILLER], who has led the fight against this bill. Originally the figure was one-half million acres.

May I say further that the statehood bill for Alaska which came within 48 votes of passage in this House gave the Territory of Alaska 103 million acres. I have no concern about the possibility of Alaska becoming rich. The University of Alaska was given 100,000 acres, and my last information was that they got barely enough out of it to equip a basketball team.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. MILLER of Nebraska. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The motion of the gentleman is not in order. The Senate has already adopted this conference report.

The question is on the conference report.

The question was taken; and on a division (demanded by Mr. MILLER of Nebraska) there were—ayes 130, noes 16.

So the conference report was agreed to.

A motion to reconsider was laid on the table.

CUSTOMS SIMPLIFICATION BILL OF 1956

Mr. COOPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6040) to amend certain administrative provisions of the Tariff Act of 1930 and to repeal obsolete provisions of the customs laws, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. COOPER, MILLS, GREGORY, REED of New York, and JENKINS.

COMMODITY CREDIT CORPORATION BORROWING POWER

Mr. SPENCE. Mr. Speaker, I call up the conference report on the bill (S. 3820) to increase the borrowing power of Commodity Credit Corporation, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2772)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3820) to increase the borrowing power of Commodity Credit Corporation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"INCREASE IN BORROWING AUTHORITY

"SECTION 1. (a) Section 4 (i) of the Commodity Credit Corporation Charter Act, as amended (15 U. S. C. 714b (i)), is amended by striking out '$12,000,000,000' and inserting in lieu thereof '$14,500,000,000.'

"(b) Section 4 of the Act of March 8, 1938, relating to the Commodity Credit Corporation, as amended (15 U. S. C. 713a–4), is amended by striking out '$12,000,000,000' and inserting in lieu thereof '$14,500,000,000.'

"AMENDMENT TO PENAL PROVISIONS

"SEC. 2. Subsection (c) of section 15 of the Commodity Credit Corporation Charter Act, as amended (15 U. S. C. 714m (c)), is amended to read as follows:

"'LARCENY; CONVERSION OF PROPERTY

"'(c) Whoever shall willfully steal, conceal, remove, dispose of, or convert to his own use or to that of another any property owned or held by, or mortgaged or pledged to, the Corporation, or any property mortgaged or pledged as security for any promissory note, or other evidence of indebtedness, which the Corporation has guaranteed or is obligated to purchase upon tender, shall, upon conviction thereof, if such property be of an amount or value in excess of $500, be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both, and, if such property be of an amount or value of $500 or less, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or both.'"

And the House agree to the same.

BRENT SPENCE,
PAUL BROWN,
WRIGHT PATMAN,
ALBERT RAINS,
JESSE P. WOLCOTT,
RALPH A. GAMBLE,
HENRY O. TALLE,
Managers on the Part of the House.

ALLEN J. ELLENDER,
OLIN D. JOHNSTON,
SPESSARD L. HOLLAND,
GEORGE D. AIKEN,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3820) to increase the borrowing power of Commodity Credit Corporation, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The conferees have agreed to a substitute for both the Senate bill and the House amendment.

INCREASE IN BORROWING AUTHORITY

Both the Senate bill and the House amendment contained provisions increasing the borrowing authority of the Commodity Credit Corporation from the present ceiling of $12 billion. In the case of the House amendment the increase in borrowing authority provided was $2 billion as contrasted to the $2.5 billion provided for in the Senate bill. The House Banking and Currency Committee reported its bill (H. R. 11132) dealing with Commodity Credit Corporation prior to enactment of the Agricultural Act of 1956. That act requires the Commodity Credit Corporation to make the cash redemption of certificates issued to producers cooperating in the new soil-bank program. Provision was made for the use of Commodity Credit Corporation funds in advance of appropriations until June 30, 1957, to finance operations of the soil-bank program. The Senate bill, which was reported after enactment of the soil-bank legislation, included an allowance of an additional $500 million increase in Commodity Credit Corporation borrowing authority, largely for the purpose of initially financing the soil-bank operations. The conference substitute retains this provision of the Senate bill.

PENAL PROVISIONS

The House amendment contained provisions making two changes in the penal provisions of the Commodity Credit Corporation Charter Act. One of these would make it a Federal offense to willfully steal or convert property mortgaged or pledged to a lending agency—such as a private bank—under a program of the Commodity Credit Corporation. The other change would reduce from a felony to a misdemeanor offenses involving property of a value of $500 or less in order to facilitate the prosecution of relatively minor violations and thus facilitate policing of such violations. No similar provision was included in the Senate bill as the Senate had previously passed another bill (S. 3669) containing identical provisions. The conference substitute retains these provisions of the House amendment.

BRENT SPENCE,
PAUL BROWN,
WRIGHT PATMAN,
ALBERT RAINS,
JESSE P. WOLCOTT,
RALPH A. GAMBLE,
HENRY O. TALLE,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PENSIONS TO WIDOWS OF SPANISH-AMERICAN WAR VETERANS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2867) to increase the monthly rates of pension payable to widows and former widows of deceased veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, which was unanimously reported by the Committee on Veterans' Affairs.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MARTIN. Reserving the right to object, Mr. Speaker, and I am not going to object, will the gentleman explain the increases in the bill?

Mr. O'HARA of Illinois. This increases the pensions of the widows of Spanish-American War veterans from approximately $54 a month to $75 a month. There are only a handful left of these poor old women. I speak with

a great deal of feeling because they are widows of the men I served with in the war over half a century ago.

Mr. MARTIN. I withdraw my reservation of objection, Mr. Speaker.

Mrs. ROGERS of Massachusetts. Reserving the right to object, Mr. Speaker, I should like to compliment the gentleman on the wonderful work he, as the last Spanish-American War veteran in the House, has done in getting this bill passed. The bill was reported out of the committee unanimously.

Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks at this point in the RECORD on the pending bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act of May 1, 1926, as amended by section 3 of the act of March 1, 1944 (58 Stat. 107), as amended (38 U. S. C. 364g), is amended to read as follows:

"SEC. 8. The rates of pension payable to widows and former widows under the provisions of section 2 of this act, as amended, are hereby increased to $75 monthly."

SEC. 2. Section 1 of the act of June 24, 1948 (62 Stat. 645; 38 U. S. C. 364i), is amended by deleting the words: "authorized by section 4 of the act of August 7, 1946 (Public Law 611, 79th Cong.), as amended by the act of July 30, 1947 (Public Law 270, 80th Cong.)", and inserting in lieu thereof the following: "prescribed by section 8 of the act of May 1, 1926, as amended by section 3 of the act of March 1, 1944 (58 Stat. 107), as now or hereafter amended (38 U. S. C. 364g)."

SEC. 3. This act shall be effective from the first day of the second calendar month following its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HON. WILLIAM F. KNOWLAND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4256) to authorize the Honorable WILLIAM F. KNOWLAND, United States Senator from the State of California, to accept and wear the award of the Cross of Grand Commander of the Royal Order of the Phoenix, tendered by the Government of the Kingdom of Greece.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Honorable WILLIAM F. KNOWLAND, United States Senator from the State of California, is authorized to accept the award of the Cross of Grand Commander of the Royal Order of the Phoenix, together with any decorations and documents evidencing such award. The Department of State is authorized to deliver to the Honorable WILLIAM F. KNOWLAND any such decorations and documents evidencing such award.

SEC. 2. Notwithstanding section 2 of the act of January 31, 1881 (ch. 32, 21 Stat. 604; 5 U. S. C. 114), or other provision of law to the contrary, the named recipient may wear and display the aforementioned decoration after acceptance thereof.

Mr. McCORMACK. Mr. Speaker, it is a pleasure to me to make this unanimous-consent request for the consideration of this bill relating to the distinguished Republican leader of the United States Senate, Senator KNOWLAND. This is typical of America. It is a pleasure to me because of the fine admiration I hold for him and the equally fine feeling of friendship. In my opinion, he is one of the great Americans of this day and age.

Mr. McDONOUGH. Mr. Speaker, I want to join in the remarks of the majority leader. I think this is a much deserved honor for a distinguished native of the State of California. We are very happy to know that this award has been granted to him.

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

Mr. McCORMACK. I yield.

Mr. JUDD. I am curious to know why the name of our colleague, the gentleman from New York [Mr. TABER], was not included. I happen to know that he received the same honor.

Mr. McCORMACK. If that is so, we can very quickly take care of that. I am calling up the bill that passed the other body.

Mr. JUDD. I thank the gentleman.

GENERAL LEAVE TO EXTEND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIMPLIFYING ACCOUNTING AND FACILITATING THE PAYMENT OF GOVERNMENT OBLIGATIONS

Mr. DAWSON of Illinois. Mr. Speaker, I call up the conference report on the bill (H. R. 9593) to simplify accounting, facilitate the payment of obligations, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2726)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9593) to simplify accounting, facilitate the payment of obligations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That (a) the account for each appropriation available for obligation for a definite period of time shall be closed as follows:

"(1) On June 30 of the second full fiscal year following the fiscal year or years for which the appropriation is available for obligation, the obligated balance shall be transferred to an appropriation account of the agency or subdivision thereof responsible for the liquidation of the obligations, in which account shall be merged the amounts so transferred from all appropriation accounts for the same general purposes; and

"(2) Upon the expiration of the period of availability for obligation, the unobligated balance shall be withdrawn and, if the appropriation was derived in whole or in part from the general fund, shall revert to such fund, but if the appropriation was derived solely from a special or trust fund, shall revert, unless otherwise provided by law, to the fund from which derived: *Provided*, That when it is determined necessary by the head of the agency concerned that a portion of the unobligated balance withdrawn is required to liquidate obligations and effect adjustments, such portion of the unobligated balance may be restored to the appropriate accounts: *Provided further*, That prior thereto the head of the agency concerned shall make such report with respect to each such restoration as the Director of the Bureau of the Budget may require, and shall submit such report to the Director, the Comptroller General, the Speaker of the House of Representatives, and the President of the Senate.

"(b) The withdrawals required by subsection (a) (2) of this section shall be made—

"(1) not later than September 30 of the fiscal year immediately following the fiscal year in which the period of availability for obligation expires, in the case of an appropriation available both for obligation and disbursement on or after the date of approval of this Act; or

"(2) not later than September 30 of the fiscal year immediately following the fiscal year in which this Act is approved, in the case of an appropriation, which, on the date of approval of this Act is available only for disbursement.

"(c) For the purposes of this Act, the obligated balance of an appropriation account as of the close of the fiscal year shall be the amount of unliquidated obligations applicable to such appropriation less the amount collectible as repayments to the appropriation; the unobligated balance shall represent the difference between the obligated balance reported pursuant to section 1311 (b) of the Supplemental Appropriation Act, 1955 (68 Stat. 830; 31 U. S. C. 200 (b)), and the total unexpended balance. Collections authorized to be credited to an appropriation but not received until after the transfer of the obligated appropriation balance as required by subsection (a) (1) of this Act, shall, unless otherwise authorized by law, be credited to the account into which the obligated balance has been transferred, except that any collection made by the General Accounting Office for other Government agencies may be deposited into the Treasury as miscellaneous receipts.

"(d) The withdrawals made pursuant to subsection (a) (2) of this section shall be accounted for and reported as of the fiscal year in which the appropriations concerned expire for obligation. The withdrawals described in subsection (b) (2) of this section shall be accounted for and reported as of the fiscal year in which this Act is approved.

"SEC. 2. Each appropriation account established pursuant to this Act shall be accounted for as one fund and shall be available without fiscal year limitation for payment of obligations chargeable against any

of the appropriations from which such account was derived. Subject to regulations to be prescribed by the Comptroller General of the United States, payment of such obligations may be made without prior action by the General Accounting Office, but nothing contained in this Act shall be construed to relieve the Comptroller General of the United States of his duty to render decisions upon requests made pursuant to law or to abridge the existing authority of the General Accounting Office to settle and adjust claims, demands, and accounts.

"SEC. 3. (a) Appropriation accounts established pursuant to this Act shall be reviewed periodically, but at least once each fiscal year, by each agency concerned. If the undisbursed balance in any account exceeds the obligated balance pertaining thereto, the amount of the excess shall be withdrawn in the manner provided by section 1 (a) (2) of this Act; but if the obligated balance exceeds the undisbursed balance, the amount of the excess, not to exceed the remaining unobligated balances of the appropriations available for the same general purposes, may be restored to such account. A review shall be made as of the close of each fiscal year and the restorations or withdrawals required or authorized by this section accomplished not later than September 30 of the following fiscal year, but the transactions shall be accounted for and reported as of the close of the fiscal year to which such review pertains. A review made as of any other date for which restorations or withdrawals are accomplished after September 30 in any fiscal year shall be accounted for and reported as transactions of the fiscal year in which accomplished: *Provided*, That prior to any restoration under this subsection the head of the agency concerned shall make such report with respect thereto as the Director of the Bureau of the Budget may require.

"(b) In connection with his audit responsibilities, the Comptroller General of the United States shall report to the head of the agency concerned, to the Secretary of the Treasury, and to the Director of the Bureau of the Budget, respecting operations under this Act, including an appraisal of the unliquidated obligations under the appropriation accounts established by this Act. Within thirty days after receipt of such report, the agency concerned shall accomplish any actions required by subsection (a) of this section which such report shows to be necessary.

"SEC. 4. During the fiscal year in which this Act becomes effective, and under rules and regulations to be prescribed by the Comptroller General of the United States, the obligated balance of the appropriation account for payment of certified claims established pursuant to section 2 of the Act of July 6, 1949 (63 Stat. 407; 31 U. S. C. 712b), shall be transferred to the related appropriation accounts established pursuant to this Act and the unobligated balance shall be withdrawn.

"SEC. 5. The obligated balances of appropriations made available for obligation for definite periods of time under discontinued appropriation heads may, upon the expiration of the second full fiscal year following the fiscal year or years for which such appropriations are available for obligation, be merged in the appropriation accounts provided for by section 1 hereof, or in one or more other accounts to be established pursuant to this Act for discontinued appropriations of the agency or subdivision thereof currently responsible for the liquidation of the obligations.

"SEC. 6. The unobligated balances of appropriations which are not limited to a definite period of time shall be withdrawn in the manner provided in section 1 (a) (2) of this Act whenever the head of the agency concerned shall determine that the purposes for which the appropriation was made has been fulfilled; or in any event, whenever disbursements have not been made against the appropriation for two full consecutive fiscal years: *Provided*, That amounts of appropriations not limited to a definite period of time which are withdrawn pursuant to this section or were heretofore withdrawn from the appropriation account by administrative action may be restored to the applicable appropriation account for the payment of obligations and for the settlement of accounts.

"SEC. 7. The following provisions of law are hereby repealed:

"(a) The proviso under the heading 'PAYMENT OF CERTIFIED CLAIMS' in the Act of April 25, 1945 (59 Stat. 90; 31 U. S. C. 690);

"(b) Section 2 of the Act of July 6, 1949 (63 Stat. 407; 31 U. S. C. 712b), but the repeal of this section shall not be effective until June 30, 1957;

"(c) The paragraph under the heading 'PAYMENT OF CERTIFIED CLAIMS' in the Act of June 30, 1949 (63 Stat. 358; 31 U. S. C. 712c);

"(d) Section 5 of the Act of March 3, 1875 (18 Stat. 418; 31 U. S. C. 713a); and

"(e) Section 3691 of the Revised Statutes, as amended (31 U. S. C. 715).

"(f) Any provisions (except those contained in appropriation Acts for the fiscal years 1956 and 1957) permitting an appropriation which is limited for obligation to a definite period of time to remain available for expenditure for more than the two succeeding full fiscal years, but this subsection shall not be effective until June 30, 1957.

"SEC. 8. The provisions of this Act shall not apply to the appropriations for the District of Columbia or appropriations to be disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.

"SEC. 9. The inclusion in appropriation Acts of provisions excepting any appropriation or appropriations from the operation of the provisions of this Act and fixing the period for which such appropriation or appropriations shall remain available for expenditure is hereby authorized."

And the Senate agree to the same.

WILLIAM L. DAWSON,
ROBERT E. JONES,
JOE M. KILGORE,
CLARENCE J. BROWN,
CHARLES R. JONAS,
Managers on the Part of the House.

JOHN F. KENNEDY,
THOMAS A. WOFFORD,
NORRIS COTTON,
Managers on the Part of the Senate.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9593) to simplify accounting, facilitate the payment of obligations, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The conference substitute is the same as the bill as it passed the House, except in two minor respects. The House report contained a provision that the head of the agency shall make a report with respect to restorations as the Director of the Budget may require. The corresponding provision of the Senate amendment required that such report be made to the chairmen of the Committees on Appropriations of the Senate and the House of Representatives and to the Comptroller General of the United States and to the Director of the Bureau of the Budget. The conference substitute provides that such report be submitted to the Director of the Budget, the Comptroller General, the Speaker of the House of Representatives, and the President of the Senate.

The House bill postponed the transfer of the obligated balances during the fiscal year following the fiscal year in which this act becomes effective. The conference substitute provides that such transfer shall be made during the fiscal year in which the act becomes effective.

WILLIAM L. DAWSON,
ROBERT E. JONES,
JOE M. KILGORE,
CLARENCE J. BROWN,
CHARLES R. JONAS,
Managers on the Part of the House.

Mr. DAWSON of Illinois. Mr. Speaker, there have been no requests for time and I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7619. An act to adjust the rates of compensation of the heads of the executive departments and of certain other officials of the Federal Government, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON of South Carolina, Mr. PASTORE, Mr. SCOTT, Mr. CARLSON, and Mr. JENNER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1637), entitled "An act for the relief of Sam H. Ray."

EXPLANATION OF VOTE JULY 20, 1956

Mr. POLK. Mr. Speaker, on last Wednesday, July 18, on rollcall No. 103, a vote on House Concurrent Resolution 265, expressing the sense of Congress against admission of the Communist regime in China as the representative of China in the United Nations, I was unavoidably detained by a long-distance telephone call and did not reach the floor of the House until after the rollcall vote had been concluded. Had I been present, I would have voted for House Concurrent Resolution 265. On previous occasions I have voted for similar resolutions, and I believe I am as strongly opposed to official recognition of communistic China as any Member of the House.

MUSICAL RECORDINGS OF PLEDGE OF ALLEGIANCE TO FLAG

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Con. Res. 258) accepting with-

out cost to the United States copies of the recording, Pledge of Allegiance to the Flag, and providing for distribution of such copies, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby accepts, without cost to the United States, from the American Society of Composers, Authors, and Publishers, approximately 24,500 copies of the recording, Pledge of Allegiance to the Flag, approximately 22,000 copies of which shall be for the use of the House, and approximately 2,500 copies of which shall be for the use of the Senate.

The Clerk of the House of Representatives is authorized to receive, store, and distribute to each Member of the House of Representatives (including each Delegate from a Territory, and the Resident Commissioner from Puerto Rico) 50 copies of such recording. The Secretary of the Senate is authorized to receive, store, and distribute to each Senator 25 copies of such recording.

The copies of such recording shall be distributed by each Member of the House of Representatives and each Senator, for use for nonprofit purposes, to radio and television stations located within his constituency, and to such other persons, groups, organizations, and institutions, as he deems appropriate for the purpose of providing the widest possible dissemination of such musical composition.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. MARTIN. Is this the first time in history that anybody gave anything to the Government?

Mr. FRIEDEL. It could be, but I do not think so. This provides for these free records of the song, Pledge Allegiance to the Flag.

Mr. MARTIN. I know this is free and that is what amazes me.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON HOUSE ADMINISTRATION

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 563) to provide additional funds for the expenses of the study and investigation authorized by House Resolution 262, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expenses of conducting the studies and investigations authorized by House Resolution 262 of the 84th Congress, incurred by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed $10,000, in addition to the unexpended balance of any sums heretofore made available for conducting such studies and investigations, including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

Mr. HOSMER. Reserving the right to object, Mr. Speaker, will the gentleman explain what this resolution does?

Mr. FRIEDEL. I yield to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS of Ohio. This is for the Subcommittee on Printing, which is conducting a study which was authorized by the House in the last session, and at that time asked and budgeted $75,000. The Committee on House Administration felt that $65,000 might be used. We hope that we can do it, but this is in case of some unexpected expense. That is all the money the entire Committee on House Administration has had and some of the regular expenses of the committee have been paid out.

Mr. HOSMER. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INVESTIGATION BY COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 566 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the expenses of the studies and investigations to be conducted pursuant to House Resolution 118 by the Committee on Merchant Marine and Fisheries, acting as a whole or by subcommittee, not to exceed $25,000, including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The chairman with the consent of the head of the department or agency concerned is authorized and empowered to utilize the reimbursable services, information, facilities, and personnel of any other departments or agencies of the Government.

SEC. 3. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

Mr. LECOMPTE. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. LECOMPTE. Would the gentleman tell us when this resolution was before the Committee on House Administration?

Mr. FRIEDEL. It was before the subcommittee and the full committee and was passed unanimously.

Mr. LECOMPTE. When?

Mr. FRIEDEL. On July 9.

Mr. LECOMPTE. I understood there was not going to be any more legislation this afternoon. I thought there would be no more business today. I do not object to this bill.

Mr. FRIEDEL. I do not know anything about any agreement.

Mr. LECOMPTE. Is this the last resolution you have?

Mr. FRIEDEL. I have one more.

Mr. LECOMPTE. I suppose the Committee on Merchant Marine and Fisheries made a showing for this additional money?

Mr. FRIEDEL. Yes, they did. Four members of the committee were present. Both sides were represented.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL FUNDS FOR EXPENSES OF STUDY AND INVESTIGATION AUTHORIZED BY HOUSE RESOLUTION 35

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expenses of conducting the studies and investigations authorized by House Resolution 35 of the 84th Congress, incurred by the Select Committee on Survivor Benefits, not to exceed $1,500, in addition to the unexpended balance of any sums heretofore made available for conducting such studies and investigations, including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS VACATED

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. METCALF], who had a special order today, may have that order vacated, and on Tuesday, July 24, after any other special orders he may address the House for 60 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. REUSS. And on my own behalf, Mr. Speaker, I ask unanimous consent that the special order I had for today may be vacated and that on Tuesday next, following the gentleman from Montana [Mr. METCALF], I may address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

SOCIAL SECURITY

Mr. RHODES of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RHODES of Pennsylvania. Mr. Speaker, I am extremely gratified at the recent Senate action on the social-security bill passed by the House last year. Time and again over the years I have been privileged to serve in this body I have taken the floor of the House to plead the cause of our senior citizens, who are not adequately sharing in the abundance of our Nation.

The decision of the Senate to restore the disability provisions and to authorize the lower retirement age for women, previously eliminated from the bill by the Senate Finance Committee, has opened the way for the enactment of a social-security bill making substantial improvements in the present law.

I personally feel that some of the Senate provisions are improvements over the House provisions and hope that they are accepted by the House conferees. I refer to the increase in the old-age assistance grants to the needy aged, blind, and disabled and also to the provision permitting old-age assistance recipients to earn up to $50 a month before the need test is applied.

The House provision permitting all women to retire at age 62 at their full pension seems to me much more fair and desirable than the Senate provision making percentage differentiations between the amounts of pensions received by widows, working women and wives who wish to retire at age 62.

Mr. Speaker, the opposition to the social-security bill by the Eisenhower administration is clear proof of its lack of concern for the needs and problems of the average American citizen. When Health, Education, and Welfare Secretary Folsom opposed this bill before the Senate Finance Committee he was speaking as a member of President Eisenhower's Cabinet and was stating the official position of the Eisenhower administration on this issue.

H. R. 7225 does not go as far as I personally feel is necessary to adequately deal with the economic problems facing our aged population. I have introduced legislation to reduce the retirement age for men to age 62 and for women to age 60. Our increasingly automated industrial economy makes lower retirement ages for our working people inevitable. Another of my bills would permit the payment of benefits to totally and permanently disabled persons immediately upon certification of their disability, not at age 50 or at age 65 as is now required. It seems obvious that when the head of a family suffers a permanent disability, his family is in need of benefits at that time, not 10, 20, or even 30 years later. I was pleased to note that the senior Senator from Georgia, who offered the age 50 disability amendment, made this same argument before the Finance Committee and on the Senate floor.

Despite some shortcomings, H. R. 7225 is an important step forward in improving and liberalizing the social-security law. I trust that the most liberal provisions of the House and Senate versions of the bill will be adopted by the conferees and that the bill is speedily enacted into law.

BALER AND BINDER TWINE

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. Mr. Speaker, a recent release from the Executive Office of the President should be of concern to every Member of the House, and especially to those representing agricultural areas. It is a foreboding of still higher costs for American farmers at the very time the administration professes belated interest in farm income.

The press release announces a hearing to be held on a petition proposing restrictions on the importation of baler and binder twine for the use of the American farmer.

Many will recall the severe shortages of this vital material which drove the price to $15 a bale in 1951. In response to pleas from throughout the country, Congress promptly removed the duty on imports and ensured the farmer a proper supply of baler and binder twine at reasonable prices. Since then prices have dropped as low as $8 a bale and an adequate supply has always been available. It was the express intention of an overwhelming majority of the House and Senate that the American farmer should have the benefit of an unrestricted supply.

Now, as the result of a section of Public Law 86 of this Congress, intended to meet the growing concern of the petroleum industry, some cordage manufacturers are seeking import restrictions for alleged impairment of national security.

It should be noted that the bill as passed in the last session places responsibility for inaugurating such action upon the President. It clearly says:

> Whenever the Director of the Office of Defense Mobilization has reason to believe that any article is being imported into the United States in such quantities as to threaten to impair the national security, he shall so advise the President, and if the President agrees that there is reason for such belief, the President shall cause an immediate investigation to be made to determine the facts.

If the law is being obeyed, it follows that the President has decided that the import of baler and binder twine may be impairing our national security and has approved hearings to consider restrictions.

From the standpoint of national security, Mr. Speaker, the facts actually prove the opposite. They show that adequate imports of baler and binder twine best serve the national security.

Much of the twine currently imported comes from Mexico, Canada, and Cuba. Some of the Canadian imports come from wholly owned subsidiaries of American companies. It was from these neighboring free nations that essential supplies of rope and twine came to our country during World War II.

It is conceded that in any emergency period our own facilities cannot supply our needs, even for defense purposes. We must, therefore, have a ready source from our free neighbors. Any restrictions now would certainly limit that source.

One interesting fact is that the industry petition—which, incidentally, is not supported by all manufacturers—is aimed at farm twine rather than rope. Yet it is rope supplies during a war period upon which they base their case. They say they need to control the twine market in peacetime in order to be in a position to provide rope in wartime. American farmers are asked in effect to bear the higher cost of producing their goods as a kind of direct subsidy to the cordage industry. It appears that the case based on twine would not fall under the meaning of the law passed last year, so the rope argument is used merely as a legal subterfuge to restrict farm twine supplies.

Realizing that American farmers are relying on the imports of baler and binder twines, which are about 50 percent of domestic production, we can see the effect of restrictions. The supply will certainly diminish and the price will increase. This increase will be borne by the American farmer already burdened by ever-increasing costs and still declining income.

Modern agriculture cannot operate without baler and binder twines so essential to mechanical harvesting of American farm products. Domestic production of this twine has never been able to meet farm needs in peacetime, much less in wartime.

If the Executive Office of the President is unaware of these facts, I hope my colleagues will join me in impressing upon the officials concerned the very real effect such action could have on farmers. To increase the profits of 1 or 2 companies at the expense of agriculture surely cannot go unheeded. Has not agriculture suffered enough during the past few years. After what has been done to prices, it surely is not necessary to take steps to further increase costs.

INCREASE OF VETERANS' PENSIONS AND COMPENSATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I rise again today to implore the House and the Senate not to adjourn until we have passed legislation for the forgotten men and the forgotten women of the pension class. That legislation should be passed. We passed some of it today, for the Spanish-American War widows, and the House passed a modest pension bill for World War I veterans, an increase in compensation of the service-connected and certain other veterans. They are still to be passed by the Senate.

I sit here day after day and hear millions and billions of dollars appropriated, yet very little for the veterans.

PAST PERFORMANCE OF INCUMBENT CONGRESSMEN

Mr. BROWNSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include editorials.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BROWNSON. Mr. Speaker, there is more to political support of a party's philosophy or a President's program than statistics.

At this time of the year it is a popular pastime to issue dope sheets, giving the past performances of incumbent Congressmen in regard to their percentage of support of the President. These carefully manipulated percentages can be twisted and distorted to arrive at almost any foregone conclusion by varying the dates included to select the most favorable ones, by comparing House votes on one set of issues with Senate percentages on an entirely different series of votes, and by dragging out a cloudy crystal ball to determine what President Eisenhower favors in the area of minor legislation and what he does not. You can prove that black is white or wrong is right if you try hard enough and are willing to confuse the voters with complex prepackaged percentages.

I am much more impressed with the editorial approach to a Congressman's support of the issues in which his own constituents are particularly concerned and in which his own constituents are vitally interested than I am in a numbers game which seeks to determine the percent of blind loyalty in support of any small facet of the President's overall legislative program. I commend to your attention two important portions of the editorial page of the Indianapolis Star for Wednesday, July 18. This page is edited by able Jameson Campaigne; the paper is edited by the respected Robert P. Early and published by Eugene C. Pulliam. The first item is a thoughtful letter of query from an admittedly confused voter. The second item is a fine editorial particularly of interest to those of us in the legislative branch of the Government since it stresses the importance of the Congress—a fact which is overlooked by many editorial writers and columnists today. In the belief that this measured editorial approach to the matter of Presidential support and an analysis of the issues is more sound than a purely statistical analysis, under unanimous consent, I ask that the contents of the letter to the editor from "The People Speak," and the editorial "Here's Why, Mr. Piatt," may be printed at this point:

THE PEOPLE SPEAK

EVEN OUR PUBLIC OFFICIALS ARE NOT ALWAYS 100 PERCENT RIGHT

To the EDITOR OF THE STAR:

I am wondering and I admit a bit confusedly over one of the Star's recent editorials. In this editorial it was stated that the President was against Federal aid to education and the Federal control that logically parallels it. However, it has come to my attention through the headlines of several papers including the Star that the same was on the President's list of measures to be given top priority before the adjournment of the current session of Congress. It is also one of the measures that he has promised to campaign vigorously this fall for in his fight for reelection. What has brought about the President's change of policies?

His decision to use this as a campaign issue also stimulates still another question mark. The platform adopted by Republican-nominee-for-Governor Handly has promised rigorous disapproval of the Federal-aid question. One might well wonder just which party is split on its policies from the facts that are currently screaming from the headlines of all newspapers.

I am a stanch Republican and I intend to stay that way, but I am also opposed to the Federal aid question, and it might well prove a cause for cogitation when it's time to go to the polls this November. Perhaps I have not acquired all the facts and there is a very plausible explanation for the confusion that this has given me. If so, I would be very glad to hear it and have my faith reinstated in the Republican Party, for which I have the highest regard. I would also like to add that I concur with your current fight against NEA and the Federal aid question. You have my heartiest applause and I only hope that you win out.

S. S. PIATT.

YEOMAN, IND.

HERE'S WHY, MR. PIATT

In a letter to the editor on this page today S. S. Piatt asks us to explain what he considers to be a confusing and inconsistent position which The Star has taken toward the Eisenhower administration. He notes that we vigorously opposed Federal aid to education, that the President has offered a limited Federal aid program, yet we say we support the Eisenhower administration in the coming election. How come?

It's a good question. In answer, first let us say that politics is "the art of compromise." No voter and no newspaper editor can expect any politician to follow in every respect the views which the citizen or editor holds individually. We do vigorously oppose Federal aid to education because we are certain that once education is subsidized by the Federal Government it will inevitably be controlled by the Federal Government. We also oppose the Eisenhower administration's huge foreign aid program with its indiscriminate giveaways and its failure to use American taypayers' money to further the direct interests of the American people. We oppose some other policies of the Eisenhower administration whenever we believe they increase the centralized power of the Federal Government, weaken the sovereignty of the States and the people, waste American resources, tax our people too heavily, or follow foreign policies that do not accord with what we believe to be the basic traditions of American freedom.

But these are not the only issues on which the Eisenhower administration has taken a stand. There are other issues on which the Eisenhower Administration has taken a directly opposite stand from its Democratic or New Deal opponents. There is the issue of public power. On this the Eisenhower administration has reversed the trend toward more and more federally owned electric power projects. There is the issue of corruption in Government. The Eisenhower administration has cleaned most of it up, is ever watchful to eliminate any that may remain, is quick to fire those discovered using their position of public trust for private profit.

There is the issue of subversion in Government. The Eisenhower administration has, under constant sniping, done a good job of eliminating and screening possible subversives. There is the issue of getting Government out of business. The Eisenhower administration has made a start on returning to private hands some of the Government business ventures that mushroomed under the two Deals in competition with free enterprise. The Eisenhower administration has abolished direct price and wage controls. It has attempted to provide a more flexible farm price-support program and to get rid of the unmanageable surpluses produced by rigid price supports under the two Deals.

On all these issues we stand with Eisenhower. Most of his potential Democratic opponents oppose the policies and methods which the President has asserted in these fields. How could we support these Democrats when they do, and when they also support federalized education and even greater foreign aid?

What is the alternative? If the President is renominated, as seems certain, we cannot turn to most of the probable Democratic candidates for an alternative on the few issues over which we disagree with the President. They offer no such alternative.

There is another important point in this political question that needs mentioning. The greatest controlling influence in American politics is Congress. Congress has control of the money and Congress makes the laws. There are many individual candidates here in Indiana who do support the position we and Mr. Piatt believe in in regard to Federal aid to education, for instance. Senators JENNER and CAPEHART oppose it. All nine Republican Congressmen voted to recommit the Federal aid bill, which effectively killed it for this session. The two Democrats were for Federal aid.

The same is true in foreign aid where Congressmen BROWNSON, ADAIR, BEAMER, CRUMPACKER, HARVEY, WILSON, and BRAY all opposed the $4,900,000,000 program of the administration.

So, because politics is "the art of compromise" we suggest to Mr. Piatt and others who are puzzled over these questions to look at them this way: First look at the overall record and positions of opposing candidates. If both Republican and Democratic candidates for President, for instance, favor a foreign policy position you oppose, choose the lesser of two evils. But where you are given a real choice on some issues like public power or states rights—and you will be, it seems—you can vote affirmatively for your candidate.

But just as important, vote for Members of Congress who support the main political positions in which you believe. For it is Congress that really determines how far and fast or how slowly and carefully your Government goes in any direction.

Politicians, to paraphrase Lincoln, can please some of the people all of the time and all of the people some of the time, but they cannot please all of the people all of the time. The best we can do as voters and citizens is to support those who please us more often than their opponents.

A CELEBRATED PEACE MEETING

Mr. HAYS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS of Ohio. Mr. Speaker, not long ago there was a great deal of fanfare in the press about a celebrated peace meeting—or you might call it an armistice of sorts.

I do not refer to international peace, a subject dear to the hearts of all my colleagues on both sides of the aisle I am sure, but to a meeting designed to bring a greater measure of amity and

fair play to our domestic politics in this campaign year of 1956.

A meeting, if you will, designed to erase smearing and defamation from the campaign speeches of both political parties.

The "peace" conference to which I refer was, of course, the celebrated discussion between the Republican national chairman, Mr. Hall, and the Democratic national chairman, Mr. Butler.

These two gentlemen got together—I believe it was before a television audience—and agreed, in effect, that they would do all in their power to prevent mud slinging by campaign speakers of both parties.

Mr. Speaker, I am sure that this pledge of truth and fair play was warmly applauded by the American people. All fair minded people have been outraged in recent years by the loose talk and character assassination employed by certain well-known political figures.

It is not necessary for me to call the roll. There have been many examples, including a speech in which the Democratic Party was called the party of treason, therefore branding every member of the Democratic Party, including myself, and in fact every voter who supported the Democratic ticket, as a traitor to his country.

I will not bore you with other painful recollections of the recent—or I might better say—the checkered past.

I had hoped that the gentlemen's agreement between Chairmen Hall and Butler would clear the atmosphere of this and other examples of campaign fallout to infect the minds of the voters.

As a Democrat who has fought against below-the-belt political tactics, I was willing to forgive and forget, so that the 1956 campaign might be waged on a truly objective scale—on the issues, that is—without the billingsgate that some individuals, having nothing else to stand upon, deem essential in politics.

And I had hoped that Republican spokesmen who traffic in such talk would be contrite for past offenses and really meant to abide by the Queensbury rules this year.

I also had hoped that the advertising geniuses of Madison Avenue, who are handsomely paid to think up catchy slogans for the Republicans and abuse for the Democrats, might be retired from the arena.

But, Mr. Speaker, I have been sadly disillusioned.

Perhaps it was too much to expect, since the Republican Party depends so much on advertising.

Since the discussion between Chairmen Hall and Butler at least two things have occurred which indicate to me that the Madison Avenue boys are still in there calling signals in the huddle.

Both are aimed at former President Harry Truman, who has recently been paying his own way through Europe to win friends for the United States.

The printer's ink was still damp on newspaper stories about Len Hall's promise to keep the campaign clean when radio commentator Drew Pearson reported that Hollywood was coming out with a "bombshell" movie, called The Boss, which digs up the corpse of the old Pendergast political machine.

Mr. Speaker, let it not be inferred that I am defending political machines of the past or present. I have never belonged to one, I have always been against them and I am happy to say that political bosses no longer have any real voice in the Democratic Party. In fact, the only real bosses who are on the political scene at present are the oil billionaires, private power magnates and others who dominate the opposition party.

If Hollywood were abreast of the times it would be coming out with a movie about these contemporary bosses in our politics, without dredging up the ghosts of yesteryear.

One of the characters in this "boss" movie is cleverly patterned after former President Truman. Note: This character is not the boss in the picture, but is part of his political machine.

By a strange coincidence, the movie will be released for showing in theaters in August, about the time of the national conventions. I cannot prove that the Republican National Committee or the Madison Avenue crowd contrived this curious timing of a film against the Democrats, but I am about to make a suggestion to the House which may enable us to find out who is behind it.

Another unfair campaign attack on Truman and the Democrats is contained in this pamphlet I hold in my hand, which recently was sent to many Members of the House, and no doubt is enjoying wide circulation elsewhere. It is a pamphlet plugging a book called The Truman Scandals.

Singularly enough, this book also is being release for sale coincident with the 1956 campaign.

The pamphlet advertising it, which I have here, was put out by an outfit called Human Events, which is supposed to be a newsletter, but it looks more like a Republican propaganda mill to me.

The back page is a dead giveaway.

It names 60 Americans who have endorsed the Human Events propaganda sheet and the implication is that these 60 Americans also recommend the book vilifying the Truman administration of some years back.

Let us see who some of these individuals are.

I see the name of the late and distinguished Senator from Ohio, Robert A. Taft, but I seriously doubt that Bob Taft, if alive, would have endorsed this book. He was against campaign muckraking and mudslinging. In fact, I think it is an insult to Taft that his name is being exploited posthumously in a book-selling scheme.

I do not see any small-business spokesmen mentioned, but there are a number of big-business men and oil producers whose pocketbooks always are open to any Republican cause.

Here is H. R. Cullen, the well-known Texas billionaire. Also, the steel magnate, Ben Moreel, oilman, J. Howard Pew, Edgar Queeny, of Monsanto Chemical, and Robert E. Wood, of Sears, Roebuck.

Hollywood apparently is not satisfied to leave well enough alone by putting out a movie assailing the Democrats in this campaign year; several movie stars are named among the well-wishers of the Human Events outfit and its book against the Democrats.

I see the name of Adolphe Menjou and that well-known cheerleader at Republican rallies, George Murphy.

Mr. Speaker, I am sure that every Member of this body is anxious to keep the campaign clean, but none of us is so naive as to believe that this is possible unless there is some machinery to keep it clean.

The same applies to atomic disarmament. We have learned that it cannot be done without an effective inspection and policing system.

So, Mr. Speaker, I respectfully suggest a solution to keep the 1956 election campaign free of politico-active fallout.

I intend to ask the chairmen of the elections committees of both Houses to keep a subcommittee, together with a competent staff, in session from now until the November elections to make immediate investigations and reports on all flagrant cases of smearing, fabrication, insidious propaganda, and character assassination by either party.

We might make a good beginning by investigating and exposing the forces behind this moving picture, The Boss, and this anti-Truman, anti-Democratic book, the Truman scandals, about to be published. The only way to keep the campaign clean is to make an on-the-spot exposé of all smears, from whatever source, and let the chips fall where they may. The time to expose the smear artists is before the election, not afterward, when they are no longer answerable to the voters at the polls.

REPRESENTATIVE SHEEHAN, DEFENDER OF JUSTICE FOR POLAND

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. SHEEHAN] is recognized for 5 minutes.

Mr. SHEEHAN. Mr. Speaker, on April 26, 1956, the Associated Press reported that the Communist-dominated Polish Government was going to start a new investigation of the infamous Katyn Forest massacre of Polish soldiers during World War II.

As a freshman Republican Congressman in early 1951, I introduced House Resolution 282, calling for a congressional investigation of the Katyn Forest massacre. After some weeks had elapsed and the Rules Committee—to which this resolution had been referred—was being deluged with mail and telegrams asking for this investigation, one of the Democrat Members then introduced a similar resolution which was passed in lieu of mine. I was named a member of the committee created by the resolution which was to conduct an investigation of the facts, evidence, and circumstances of the Katyn Forest massacre.

Before and since being elected to Congress, I have been most interested in Poland's fight for freedom. Therefore, on April 26, 1956, the same day as the Associated Press reported that the present Government of Poland was going to launch its own investigation of the Katyn

Forest massacre, I wrote to the United States Information Agency (Voice of America) Radio Free Europe, and the Central Intelligence Agency, calling to the attention of each the practical advantages that could be taken of the current denunciations of Stalin in Poland, by telling the Polish people that our select investigating committee, after a thorough and exhaustive investigation, had determined that Stalin and the Soviet NKVD (Soviet Secret Police) were responsible for the massacre of the Polish officers and intelligentsia during World War II. I felt this would be a means of again informing the Polish people of the true nature of their Communist-dominated rulers; and of the intent of the Russian rulers, who have subjugated their own people in the same manner in which they are trying to subjugate the Polish nation and deprive it of its freedom.

I followed this up on May 8 with a speech in the House of Representatives, telling the House that I had sent a cablegram to Josef Cyrankiewicz, Prime Minister of the Polish People's Republic, indicating my willingness to go to Poland to "elaborate upon and substantiate the facts and conclusions reported by our investigating committee."

On May 9, the day after my speech in Congress, Mr. Pawel Jankowski, private secretary to the President of the Republic of Poland, thanked me for this new proof of my efforts on behalf of the liberation of Poland when he wrote me as follows:

MAY 9, 1956.

The Honorable TIMOTHY P. SHEEHAN,
Congressman, 11th District Illinois,
Chicago, Ill., U. S. A.

DEAR CONGRESSMAN SHEEHAN: I have heard with great pleasure in today's Russian broadcast of the VOA (Washington) the news of your speech and telegram sent to Mr. Cyrankiewicz, the present leader of the Communist regime in Warsaw.

May I send you my very best thanks for this new proof of your untiring endeavors to locate the responsibility for the awful crime perpetrated on the Polish disarmed officers.

In your first letter to me of July 19, 1951, you said: "I am striving to do all I can to help right the wrongs done to Poland."

Your subsequent activities have proved that the Poles have in you a staunch defender of justice for Poland. It is a case for repeating the old English proverb: "A friend in need is a friend indeed."

I would be much obliged if you could kindly let me have the full text of your last speech concerning the Katyn Forest massacre.

If you would decide to have a special copy of it printed, I would like to be able to distribute some 100 of them among our representatives all over the world.

My address is: c/o Polish Government in Exile, 43 Eaton Place, London, S. W. 1, England.

Thanking you in anticipation,

I am,

Yours sincerely,

PAWEL JANKOWSKI.

The Chicago Tribune in its editorial of May 14, commented on my action as follows:

Representative SHEEHAN (Republican, Illinois), has cabled Premier Cyrankiewicz of the Communist Polish People's Republic urging that a thorough investigation be made by his government of the Katyn Forest massacres, carried our during World War II by Josef Stalin's NKVD. Approximately 15,000 Polish officers and civilian leaders were murdered in those butcheries, as a congressional inquiry instigated by Mr. SHEEHAN revealed.

It will be interesting to see whether the Illinois Republican's civilly worded message is acted upon. Mr. SHEEHAN wrote that he was prompted by the recent change in attitude, both in Russia and Poland, toward the late Stalin, who has disappeared from the pedestal of Soviet esteem, if not from his tomb in Red Square. Some of the multitude of crimes for which he was responsible are now being admitted by the successors to his bloody regime.

The mass slaughter committed in the Katyn Forest was one of the arch misdeeds of the war, and the Poles naturally feel it more keenly than others. If their Communist leaders now dare to disclose to them how horrible it was, credit for challenging them to do so will belong to Representative SHEEHAN.

On June 5, Mr. Theodore C. Streibert, Director of the United States Information Agency (Voice of America) wrote me as follows:

JUNE 5, 1956.

The Honorable TIMOTHY P. SHEEHAN,
House of Representatives.

DEAR MR. SHEEHAN: Thank you for your recent letter inquiring as to the use made by the Voice of America of the cable which you sent to the Prime Minister of the Polish People's Republic, offering help to the Polish Government in any new investigation of the Katyn forest massacre.

The Voice of America reported extensively on your offer in its newscasts of May 8 and 9, beamed to Poland and East European countries. I am enclosing copies of the VOA news stories relating to your offer to the Polish Premier.

We appreciate your writing to us on this matter, and feel that your action in this regard proved to be of definite usefulness in our overseas information program.

Sincerely yours,

THEODORE C. STREIBERT,
Director.

Mr. Speaker, it is fully apparent that my speech of May 8 proved to be of great usefulness and served as a most valuable vehicle in our attempts to bolster the spirit of freedom in Poland and in the other countries behind the Iron Curtain.

RELAXATION OF TRADE RESTRICTIONS ON THE IMPORTATION OF CERTAIN ITEMS

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. HENDERSON] is recognized for 30 minutes.

Mr. HENDERSON. Mr. Speaker, since I have been a Member of Congress, representing the 15th District of Ohio, I have been opposed to the relaxation of trade restrictions on the importation of many items which compete with the production of American industry. I have appeared before committees of Congress opposing measures which would have as their effect the destruction of some of the industries in my district. I opposed H. R. 1, and H. R. 5550, because many industries cannot withstand the competition from the low-wage countries which are producing articles at a ridiculously low figure.

My colleagues have asked me why I have taken the attitude that I have in this field. So that I can answer them factually, I have contacted the potteries, ceramic tile factories, and glass industries in my district, and asked them to furnish me data on the effect of unbridled foreign competition upon their industries. I learned much from the thoughtful replies which I have received. I want my colleagues in Congress to know the story.

In the case of handmade glassware, such as is produced by the Cambridge Glass Co., the answer is strikingly clear. Competing foreign manufacturers in our domestic market have seized a tremendous advantage because of the vast differential in comparative wage scales.

Handmade means just that—it means produced by hand. It means glassware which cannot be produced by machine. It is impossible to reduce the work force and find more efficient ways of producing handmade glassware any more than you can speed up the production of oil paintings. In the field of handmade glassware then, this American industry can only be preserved by protective tariffs.

The Cambridge Glass Co. closed its doors 2 years ago largely because of its inability to meet the devastating foreign competition. There was a tremendous display of sentiment when the announcement was made. It meant the end of an era in Cambridge. Great was the feeling. The firm which purchased the assets of the company embarked upon a new program and permitted former employees to subscribe for shares in an effort to reopen the plant. At the present time, I am happy to say that the Cambridge Glass Co. is operating, but in order to do so, the employees have made great economic sacrifices to preserve this important component of the handmade glassware industry—a company which was able to survive the ravages of the great depression, but which was stricken a telling blow by national policies designed to create or enhance the prosperity of other lands. Optimism is high that the factory can continue, but the obstacles are great, and some pending legislation, if enacted, would erect even more formidable obstacles.

In the field of pottery, the prospects for improved economic conditions are very bleak, indeed. The argument is sometimes advanced by exponents of free trade that the difficulty of the American potteries lies in their allegedly inefficient operation, that by finding new methods and more efficient procedures the American pottery could survive.

In response to that argument let me suggest that in the past 20 years, enough potteries have discontinued operations that only the efficient ones could remain. There is, after all, a limit to efficiency. It cannot make up the tremendous wage differential we find between the salary of the American potter and a Japanese. One pottery executive in southeastern Ohio, addressing himself to this point, had this to say:

Foreign imports, especially Japanese imports, have almost ruined our business, since we are manufacturers of small novelties and artware, and the foreign competition is very

heavy in this field. American designers must be paid at skilled labor rates, and these items produced in the United States must bring a good price, but the same are taken to foreign countries and produced at much lower cost because of the cheap labor, and the tariff and freight are not high enough to protect the American market. Unless an American design is world patented, it will be reproduced within 3 to 6 months by foreign potteries and placed on the American market at a much lower price than the American product. The American public does not know whether the American manufacturer has copied the Japanese item or the Japanese copied the American item. One item in particular which originated in our plant and was of strictly American design, in less than 6 months was being manufactured in Japan and shipped to this country.

* * * In 1945 our plant employed 250 people. Now we have work for 5 people besides ourselves. Most of the employees whom we had to lay off were not old enough to obtain social security benefits, but were too old to learn new jobs in other industries. They had worked in potteries all their lives, and many of them have had, and are having, considerable difficulty in finding employment. For the year 1945 we paid income tax on a profit of $111,159.46, for the year 1946 the profit was $55,423.95, for the year 1947 the profit was $2,291.27; since then we have been operating at a loss. That is the effect imports have had on our business.

Customers who formerly bought large quantities of pottery from us now call at our plant and order about 5 percent of their former requirements. They tell us frankly that, because of price, they are buying Japanese goods.

Hoping that the import situation would change * * * during the last 10 years (we have) thrown all of our assets into this plant, in order to save it. Like our former employees, we are no longer young enough to obtain new jobs. Since we have not made a profit for a number of years, we have no income on which to pay self-employment tax; therefore, we will not be eligible for social security benefits for our old age. We no longer have enough capital left even to make necessary repairs on our equipment or the roof of our plant.

Another company officer had this to say:

Art pottery may be defined as any fired, glazed, clay product whose prime purpose is decorative rather than utilitarian. In this classification is found vases, planters, figurines, and novelties.

To make art pottery that is salable, a product must be created, designed, modeled, manufactured, and presented to the trade, usually at trade shows, before full scale manufacture is entered into. When presented to the trade, prices and discounts must necessarily be quoted. In many instances the product or line, doesn't sell and the considerable time, money, and effort that has been put into it is wasted. When it does sell, however, it is quickly picked up by an importer who airmails the product, design, or entire line to Japan for duplication. This importer has no difficulty in learning the selling price. Within a very short time, therefore, a manufacturer of art pottery finds himself with a salable line competing against the identical line made in Japan but selling for a fraction of the American manufacturer's price.

Design patents are of little help. The laws are so loosely drawn, and the interpretation is so liberal that they provide little protection. The cost of such design patents and the time it takes to have a patent granted usually makes such a procedure too expensive to undertake until the product or line has been market-tested at the trade shows. This is especially true of the small art potteries which make up over 90 percent of the industry. Once the line has been presented to the market, and picked up by an importer, it is too late. There are, of course, always the notable exceptions to this rule but this is the usual practice.

The importer and his Japanese associates have a sure thing. The line is salable and every American buyer wants to but at the lowest price. The price is low because Japanese labor will work for less than 15 cents per hour; the American workman gets 10 times as much and more.

In art pottery, the cost of the raw material is negligible. It is labor that constitutes approximately 75 percent of the cost, with raw materials and overhead accounting for the other 25 percent. When we realize that Japanese labor is only one-tenth as expensive as American labor it is obvious why the art pottery industry protests the imports.

The manufacture of art pottery cannot be mechanized; it is a handicraft industry. Attempts have been made to produce art pottery by mechanical methods but the ware did not sell. Art pottery products are considered "wants" in the market place rather than "needs," and depend upon the impulse appeal to the consumer in order to sell. The only way to give the consumer the type of products she will buy is through the use of hand crafts that are centuries old.

The Japanese do not have a reputation for being creative; they are known as imitators. If the Japanese were restricted to Japanese designs and products there would be no problem. The problem is created when American ideas and creations are reproduced by cheap child labor and used to undersell the American product in American markets. Surprisingly enough, it is not the Japanese economy which is benefitted but rather the American importer who reaps large profits.

Perhaps a word about Japanese methods of manufacturing art pottery is in order. These plants, for the most part, are old and run down. Their manufacturing facilities are antiquated and dangerous. There is no emphasis on industrial safety such as exists, by law, in American factories. The prevalence of silicosis among employees is rife. Safety devices are considered an expensive luxury.

Child labor is an accepted part of the manufacturing process. Whole families are employed, on a contract basis, to decorate ware which is a hand operation. For this they receive a mere subsistance. Every operation is designed to produce merchandise at an extremely low price which is the only marketing factor they have to offer.

The disparity between the price at which the Japanese factory sells the ware to the American importer, and the price at which it is sold in the American market is shocking. Even so, it is still below the price that an American manufacturer would have to ask.

The American art pottery industry is fighting for survival for the reasons outlined above. The only agency which can save it is the American Government which, incredulously, through the International Cooperation Administration and the pursuit of an irresponsible tariff policy is helping to destroy it.

The foregoing remarks apply to the art pottery industry and do not necessarily apply to the dinnerware industry, which is having problems of its own.

The only solution to this problem is the enactment of protective tariff laws. This will make it impossible for the "fast buck" boys to exploit Japanese labor in the process of destroying American industry, to the enrichment of a relatively few individuals.

A stoneware factory officer told me this story:

Although our particular field, which is stoneware, has not felt the foreign trade competition as much as dinnerware, there are a few items in our line which have been hurt tremendously due to the imports.

To give you an example, a few years ago we manufactured a 13-inch spaghetti bowl which was a very good item and we maintained a production on this item year in and year out of about 150,000 pieces per year.

The Japanese potteries in particular copied this item and brought it into the United States which retailed in the chainstores for just a few cents more than our cost quoted the same chains.

Our production on this item now is around 45,000 pieces per year, so you can see what tremendous effect that this one particular item has done in our business. Consequently, in view of these items coming in, it was necessary for the buyers to strike this item from their listing and this has retarded sales tremendously.

By the same token we had two other items similar to the spaghetti bowl, an 11-inch size and a 14-inch size and now, just recently, I find that the chainstores have these other two items in their listing from the import Japanese manufacturers, so as you can see our spaghetti bowl business is almost nothing at this time.

As you know our business is very small compared to other pottery industries in this locality or even in the East Liverpool area, so if this competition in foreign trade is doing this to us, what would it do to the larger factories.

It seems that when the domestic pottery manufacturers come up with a good item, it is not very long until the foreign trade has copied it and put it into the United States much, much cheaper than we can produce it.

I hope this will give you some idea of the material you need to point out to the congressional committees just what the United States pottery manufacturers are up against.

Another company, a well-known maker of dinnerware, reported that sales were off 36 percent this year; that it produced 25 percent less in 1955 than it had in 1947. The report also stated that in 1954, 23 members of the United States Pottery Association showed a loss of $1,107,882. The report concluded with the following paragraph:

So you can see, in both production and profits, the industry is heading the wrong way. We just cannot meet Japanese competition. The situation is steadily getting worse.

A maker of novelty planters explained that the deluge of imports had knocked out one of his small lines completely, forcing his plant to turn to an operation for which it was not suited. The final result was the cessation of operations. This manufacturer stated in summary:

I am not objecting to tariff rates, if they are fixed so that we in America can put our product on the store shelves at an equal price to the imports, and then let the American public decide for itself which novelty planter it will choose.

A rather large manufacturer of pottery sent me a lengthy report which I would like to quote in part, for it tells the story more graphically than any words of mine could. It is as follows:

A review of your Washington records will show that along with glass we head the list of industries depressed while the Nation as a whole enjoys its greatest prosperity.

It is because we cannot sell our wares in competition with nations paying low wage scales and permitted to undersell us in our own domestic market.

As further proof that imports are our major problem it can be said that the pottery market in this country during the war was

such that many new factories developed in all parts of the Nation to take care of the expansion caused by the sudden stoppage of imports. Now that the fighting war is over a very large number of those newly developed potteries are falling by the wayside as a direct result of the rapid development of imports.

In commenting upon the fact that efficiency alone will not solve the problem, this manufacturer said:

Our owners decided to rebuild around the idea that conveyors, kilns, etc. would be constructed for medium size ware instead of the miniatures which were already flowing into this country from Japan, etc., and it's a good thing we did because many of the smaller plants which specialized in small size ware have now been vacated.

However, the procession of imports has now advanced beyond miniatures to middle size wares and surely all in the pottery business are hurt in one way or another.

I have heard, but do not have figures to support the claim, that more people in our Nation will benefit by exports than are hurt by imports and that therefore our legislators should welcome reciprocal trade agreements in the interest of serving a majority. This presupposes that some industries in this country have to be sacrificed.

I emphatically disagree that a cure lies in the destruction of a minority group.

It seems to me that the proper answer is in doing whatever we can to raise the standard of living in all countries or to prevent wars so long as all our people share in the effort which can properly be accomplished through the intelligent use of Federal funds that belong to all of us.

But I have not yet found myself able to agree that martydom of certain industries is advisable, necessary, or fair.

Our employees are as much entitled to the benefits of their way of life in this Nation as though they were part of an industry exporting its product and we should not be legislated out of business through low tariffs or other trade agreements which could happen because we are small in number.

On or about 1932 there came into existence the NRA headed by General Johnson. Our industry sent representatives to Washington to help set up a code for clay products and we sought protection against imports at that time. We were told to stay and present our case, but in his opinion did not represent a large enough segment of the population to get favorable results. He was right. We could have stayed at home so far as results were concerned.

But we are now another generation and another even greater effort should be made to correct what we believe to be an injustice.

Our particular company is of medium pottery size employing an average of 200 people and the toughest job we have is the never-ending search for new and different lines of ware as the only partial solution to a continued existence in one of the most competitive lines of endeavor. Casualties are very great and insufficient tariff protection must be a principal cause or we would not flourish during wars when imports are retarded or stopped altogether.

One manufacturer in southeastern Ohio pointed to the drastic differential which exists between Japanese pottery workers and the prevailing wages in the United States. For an 8-hour day, he stated, Japanese workers would receive approximately $1.60. The American worker would receive approximately $15 per day or nearly 10 times as much. What we are trying to equate here are two ways of life. The American standard of living has increased because our people receive wages which afford them the opportunity to buy the goods and services which our economy offers. It cannot continue to maintain its position with such competitive invasions as we see so graphically illustrated here. Efficiency, inventiveness, and initiative are imperative in the American economy. They have been the hallmarks of the American competitive position. Here, however, we have something which I view as insidiously unfair and dangerous to our way of life.

The hard economic realities of this situation point to the piecemeal economic dismantling of the domestic pottery, art glass, and tile industries if the present tariff policies are not changed. There is little other choice since we cannot and shall not consider the reduction of our wage standards to those of the "bowl of rice" subsistence which workers in some other nations stoically accept. This is competition not alone of products in the marketplace, but more basically of cultures and economic ideologies.

Manufacturers of ceramic tile also are feeling the effect. The President of one company, which converted from artware to tile, wrote to me as follows:

It would be difficult for us to write as strong a letter as we would need to to adequately describe to you the tremendous hardship the imports have placed us under in our industry. They have completely put us out of the artware business and seeking a port in the storm, we went out to refinance our business in a small way to enter the manufacture of wall tile.

We are now running up against the same stone wall, as Japanese, Spanish, Italian, and French tile is being laid down in this country cheaper than we can possibly manufacture it. There was a shortage of wall tile for some time, but it is slowly being picked up by the imports, and this product will also be a surplus commodity in the very, very near future, as imports are multiplying monthly.

We are completely at a loss and like many others in our industry, may be forced out of business or into bankruptcy. We certainly will cooperate with you in every way possible in anything you might be able to do to help this situation.

The president of Mosaic Tile Co., Mr. Roy E. Jordan, Jr., in a recent address before the National Tile Contractors Association declared:

The steady increases in ceramic tile imports made by low-cost foreign labor is a definite threat to the long-range prosperity of the domestic title industry if permitted to continue unchecked.

The ceramic title industry today, he pointed out, is an important segment of the construction industry which is so vital to the well-being of our national economy.

While emphasizing that the domestic industry is strong and expanding, Mr. Jordan said:

We cannot ignore the potential damage which the increased imports can cause to our industry.

This spokesman for the industry stated that current tariff regulations were wholly inadequate to cope with the situation, and added:

We in the industry expect Congress to take a hard look at the unprecedented foreign tile imports with a view of taking corrective action.

His evaluation of the present situation continued, pointing out that tile imports, although negligible until 1950, began a dramatic increase that year that went from 1.48 percent to 8.66 percent of domestic sales in 1955.

It is disconcerting to domestic producers to note that in 1954 imports were 5,358,000 square feet and in 1955 the total rose to 16,258,000 square feet—

He said.

Mr. Jordon recently returned from an inspection tour of the European ceramic tile industry, including West Germany. He noted that about 12 plants in West Germany produced 170 million square feet of tile last year. This was 90 percent of the total production in the United States. In 1955, some 50 United States factories produced 190 million square feet of ceramic tile. Plants here, however, are relatively smaller than West German factories, he indicated.

Continuing his remarks, he stated:

The consumption of tile per capita there is about three times that of the United States, while the population is only about one-third of ours. The West German tile is expected to increase production by 30 to 50 percent by early 1957.

Mr. Jordan went on to point out that the West German tile industry is largely preoccupied with rebuilding its own country and only about 5 percent of its tile is exported anywhere. The volume of ceramic tile imported by the United States in 1955 came primarily from Japan, Spain, Mexico, the United Kingdom, and Italy.

The pottery, tile, and glass industries have been severely affected by low tariff policies, but I should like to point out that the production of coal, another former principal source of income in southeastern Ohio, has also suffered greatly because of the importation of residual fuel oil.

The forced exodus of coal miners from our mining communities may be principally ascribed to oil imports. That such a process should occur has wreaked great personal hardship to our mine workers. I do not wish to minimize what this hardship has meant in either personal or economic terms. However, in an even larger sense, it may be calamitous, since our industrial strength is dependent upon coal to support the factories and utilities which are the sinews of America's military might. Should we have need to mobilize our economic forces, the closed mines and the decimation of our groups of skilled workers will constitute a problem of paramount gravity.

In evaluating these disturbing economic developments, it has been alarming to me to hear the theory advanced that by some process of planned economic osmosis, workers in plants displaced by competition from abroad will be absorbed in other industries in other communities. It is even suggested that the Federal Government might lend assistance in this process. In other words, it is envisioned that the full exercise of the Federal authority could create a situation akin to a gigantic chess game in which many of our established industrial

facilities and the people and communities which depend upon them could be the pawns. This kind of governmental "noblesse oblige" after the creation of economic conditions necessitating it, would be repugnant to me.

If it is now believed that the Federal Government must minister to great domestic ills created by our tariff policy, then it would seem to me that our tariff policy itself must receive greater study. I believe the Congress should eliminate the necessity for such contrived largesse through the enactment of legislation which will protect and enforce our domestic industrial strength on which the freedom of so much of the world has been dependent for almost two decades.

Our policies must stimulate the prosperity of the free world, but let us not forget that it is America's industrial arsenal which has defeated tyranny in two world wars and stands today as the ultimate bastion of world security against Communist aggression.

I must emphasize that this situation is of broad concern in my congressional district. Employers and employees alike have registered their alarm. Organized labor is in full accord with management on the consequences of a trade policy which is not a question of abstract argument. They see around them the positive results in the shape of economic hardship. When H. R. 1, the Reciprocal Trade Act extension, was being considered I received the following petition signed by more than a thousand men and women in the 15th district:

TO HON. JOHN E. HENDERSON, REPRESENTATIVE FROM OHIO:

Whereas the Congress of the United States is currently considering a measure to extend the Reciprocal Trade Agreements Act and permit reduction of tariff restrictions on pottery, glass, and residual oil; and

Whereas the manufacture of pottery and glass is a very vital source of income in southeastern Ohio, as well as the source of millions of dollars in revenue for the Government; and

Whereas the existing low tariff has already proven most disastrous to the economy of Roseville, Crooksville, Cambridge, Newark, Lancaster, and other pottery communities in this section; and

Whereas any further reduction of this tariff would spell utter ruin for pottery and glass industries, as they cannot compete on a free-trade basis with countries producing pottery and glass who pay a wage of less than one-fourth of the American standard.

Therefore, we the undersigned (1) pottery and glass manufacturers and employees; (2) suppliers, transportation companies, wholesale, and retail dealers, jobbers, and their salesmen and employees, all incident to the manufacture and sale thereof; (3) tradespeople and employees, whose income and livelihood is dependent thereon; (4) property owners, taxpayers, and all others who would suffer untold loss from the ruin of the principal industry in this section of Ohio, do hereby humbly petition you, our representatives to heartily oppose this measure, and thus preserve these American industries for the American people.

I have attempted here to demonstrate the dimensions of this problem which is so boldly etched in the economy of southeastern Ohio. Certainly, the problem does not evaporate when we cross the borders of the seven counties which compose the 15th Congressional District of Ohio. It is, I believe, an issue which despite our unparalleled national prosperity, must be faced squarely.

I shall not minimize the difficulty of accomodating our foreign policy to our domestic economic requirements. Nor shall I subscribe to the belief that the alternative choice here is so dangerous or disagreeable that we should lay to rest several of our domestic industries in sacrifice. We must and can surmount this problem and we must start by assessing it honestly. We are dealing with both an economic and human problem of great proportion. Our tariff policies need overhauling and should receive that attention now both by the Tariff Commission and the Congress.

UNESCO—COMMUNISM AND MODERN ART

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. DONDERO] is recognized for 30 minutes.

Mr. DONDERO. Mr. Speaker, there appeared in the July 1956 issue of the Arts magazine an editorial written by its publisher, Jonathan Marshall, which is part of the organized broad united-front movement for cultural freedom demanded of Communist Party members and allied so-called progressives by the leading cultural functionary of the Communist Party, V. J. Jerome, whose directional pamphlet calling for this front entitled "Let Us Grasp the Weapon of Culture" landed him in the Federal penitentiary at Lewisburg, Pa., after being convicted of conspiring to teach and advocate the overthrow of this Government.

Marshall's editorial is entitled "Dondero, Dallas, and Defeatism" and while attacking me for my exposure of the use of art as a weapon by the Communist Party to gain control of one of the most vital fields of cultural communication in our Nation, it is in reality another example of the determined effort to organize left pressure to influence our State Department against the best interests of our Government in its effort to combat anti-American, pro-Soviet impressions abroad.

The American Federation of Art has organized exhibitions for our State Department through its United States Information Agency, including the canceled "Sport-in-Art" show. The action by the United States Information Agency in withdrawing its sponsorship of this exhibition was a blow to the Communist conspiracy as the violent antagonistic reaction in the Communist and Communist-influenced press proved.

NEW SETBACK FOR LEFT CULTURALISTS

Just recently the United States Information Agency stopped the exhibition "20th Century American Painters" which had been destined to misrepresent our culture in another of these determined drives by the American Federation of Art to force acceptance of its monopoly of radical culturalists at the expense of the American taxpayer.

Statements to the effect that 10 of the 100 artists included had pro-Communist leanings which had been reported in the New York Times of June 21, 1956, was incorrect.

A list of the artists—94 to be exact—has been sent me by Mr. Theodore C. Streibert, Director of the United States Information Agency. It included many more than 10 individuals with Communist and Communist-front records.

In the New York Times report the American Federation of Art indulged in the typical left device of hiding behind the banner of cultural freedom with which it hoped to impress unenlightened citizens, and unwary Government officials and brought forth its hypocritical resolution of October 1954 which states that art "should be judged on its merit as a work of art and not by the political or social views of the artist."

This is just balderdash. Freedom of art to this organization means freedom to continue to control art for the benefit of the radical, Communist, and venal cliques it claims as representative of American art.

RED STOOGES DO NOT MAKE GOOD UNITED STATES CULTURAL AMBASSADORS

How does Max Ernst, German dadaist, who in 1920 arranged an antiart exhibit in Cologne, Germany, with an entrance through a public urinal to an exhibition where the first exhibit, a young girl dressed in white as for her first communion, was reciting obscene poems, become representative of our culture? This vulgarian, now living in the United States, described by Communist Paul Eluard, as a fellow member of the French Communist Party is typical of the Marxist surrealists, whose brawling "unmorality" is typical of these cultural vermin. Yves Tanguy, a French surrealist now in the United States and his wife were also included in this proposed exhibition.

Tanguy and Ernst, as surrealists, subscribe to the ideology of communism, which is the totalitarian thought control that this Government is attempting to combat through these exhibitions.

Andre Breton, surrealist spokesman, manifesto maker, and radical Marxist, has this to say of the surrealists:

I would like you to believe that no effort has been spared from the very beginning (of the surrealist movement) to discourage those who could not subscribe to a fundamental and indivisible scheme of propositions which I shall now briefly restate.

1. Adhesion to the theory of dialectical materialism—

(Ideology of communism—)

which the surrealists adopt in all its points: supremacy of matter over thought: adoption of Hegelian dialectic as the science of the general law of movement applied to the exterior world as well as human thought; the materialistic conception of history * * *; the necessity of social revolution as the final expression of the antagonism which is apparent at a certain stage of their development between the material productive forces of society and the existing yield of production (class struggle).

These surrealists, regardless of the asthetic doubletalk modern art publicists employ to cloak the subversive aims of the movement, are an effective part of the fifth column of the Communist world conspiracy.

I come now to two more of the artists selected by the American Federation of

Art to represent us, Robert Gwathmey and Philip Evergood. These two are practically Communist functionaries. Both are contributing editors to the official Communist cultural publication Masses and Mainstream. Both have records in the files of the House Committee on Un-American Activities that prove conclusively that they have actively aided anti-American, pro-Soviet propaganda for years.

Says Communist Paul Robeson of Gwathmey's painting:

In the coming years when, we all hope, true equality and the brotherhood of man will be a reality, Gwathmey's paintings will have earned him the right to feel that he has shared in the shaping of a better world.

Another brainwashed Marxist selected as a representative artist of this free republic is Max Weber, Communist Party member.

I quote from the first paragraph from the 10-page record of the red affiliations of Max Weber compiled by the House Committee on Un-American Activities:

Mr. Weber, a member of the board of directors of the organization (National Council of American-Soviet Friendship) from 1949 to 1953 was identified as a member of the Communist Party by Louis Budenz. (Report and order of the Subversive Activities Control Board, February 7, 1956, docket No. 104–53, p. VII.)

This rabid Communist, Max Weber, pioneer promoter of so-called modern art in the United States of America signed a statement published in the Communist Daily Worker, April 28, 1938, page 4, which called upon American liberals to support the verdict of the Moscow trials by which Stalin liquidated his internal opposition. It said:

We call upon them (American liberals) to support the efforts of the Soviet Union to free itself from insidious internal dangers.

Max Weber, abject follower of the Soviet propaganda line is not the only so-called artist whose work was to have been included in this exhibition that supported Stalin's gruesome blood purges of 1937–38. Not only did Philip Evergood support this Communist method of demotion but abstract painter, Stuart Davis, gave his approval of it. Stuart Davis was an initiator of the officially cited "Communist created and controlled" American Artist's Congress and has been active in supporting Communist and Communist-front activities for decades.

SOLDIERS IN RED ART BRIGADE

The American Federation of Art made quite a radical roundup in this contemplated exhibition. It was to include Jack Levine, supporter of Communist and Communist-front organizations and illustrator for Communist New Masses and later Masses and Mainstream. The Brooklyn Museum owns a large cartoon by Levine entitled "Welcome Home." This is called "Superb satire" in Whitney Museum's catalog of its Jack Levine retrospective exhibition honoring this left-wing propagandist.

Levine describes this painting of the return of a brigadier general thus:

And no matter how commanding and impressive a general, he will be chewing. His wife, however smart and fashionably turned out, will be chewing. Everybody in the general's party will be chewing, as a gesture of kinship with the lower orders of mankind. What is more absurd than an august gathering abstractedly chewing their cuds * * * my thesis, that armies are a continuation of class snobbery.

When an artist puts his talents to the use of the Communist conspiracy as Levine has done, he ceases to be free.

Indignation should mount against the American Federation of Art when Jacob Lawrence's work is selected by it to represent our culture abroad. Lawrence, secretary of Red-dominated Artists Equity Association is another Communist-promoted Red fronter and propagandist for causes aiding the Soviet Union.

In Dallas, Tex., indignant citizens resolved to give notice to their local museum that as a recipient of taxpayers' and art patrons' funds it had a responsibility to the community and to our society to guard against the organized drive by the Communist conspiracy to use art as a weapon.

Ben Shahn, notorious Red photographer and so-called artist was one of the individuals with decades of pro-Soviet propaganda activity included in the American Federation of Art-selected exhibition "Sport in Art" to which the Dallas citizenry objected when they learned that it was to be shown in the Dallas Museum.

In the Bulletin, summer 1947, of the Museum of Modern Art it states:

Revolutionary art school * * *. Announcement of the John Reed Club school of art, listing Ben Shahn on its faculty.

This school is described by Walter Steele, of the National Republic in hearings, before a special Committee on Un-American Activities in these words:

The John Reed Club is a revolutionary organization composed of artists and writers. * * * This club * * * is a section of the International Union of Revolutionary Writers. The aim of this school is to produce revolutionary art as well as revolutionary artists.

In 1936 Ben Shahn signed the call of the American Artists Congress cited a "Communist created and controlled" organization.

In the Daily Worker, December 10, 1952, Shahn is listed as a signer of an appeal to President Truman requesting amnesty for leaders of the Communist Party convicted under the Smith Act. Among the other Communist and subversive listings of Ben Shahn I find Spanish Refugee Relief Campaign, subversive; National Council of American-Soviet Friendship, subversive; New Masses, Communist publication; Masses and Mainstream, Communist publication; sponsor of the Cultural and Scientific Conference for World Peace, report; sponsor American Continental Congress for Peace, pro-Soviet conference aimed at consolidating anti-American forces throughout the Western Hemisphere; Progressive Citizens of America; Arts, Sciences and Professions Council, signer in defense of Communist cases.

Ben Shahn is listed as a sponsor of the Federal fine arts program of the New York State art division of the National Council of the Arts, Sciences, and Professions. This is Communist V. J. Jerome's favorite organization which has recently been termed "subversive" by Attorney General Herbert Brownell, Jr. It immediately voted to dissolve.

The late John Sloan, notorious Red painter, was a sponsor of this Red organization's program, as are Paul Cadmus, Philip Evergood, Lyonel Feininger, Gwathmey, Max Weber, Levine, I. Rice Pereira, and Ad Reinhardt. All of them are in this proposed exhibition arranged by the American Federation of Art. Peter Blume, another leftwinger selected by this organization, is listed as a director of the red National Council of Arts, Sciences, and Professions. In fact over 2 score of these 94 names, supposedly representative of 20th century American painters, have been listed as sponsors, directors, contributors of this subversive organization which has for years been the chief cultural pro-Soviet propaganda agency in this country.

Why send their untrue Marxist expressions of our culture around the world as reflecting the best in American art?

IS COMMUNISM A DOUBLE-DEALER?

I have noticed the name of the late Louis Eilshemius on many of the lists of art auctions arranged to benefit Communist and Communist-front causes. It would be interesting to know what art dealer is dividing his fee with the Communist conspiracy.

Louis Eilshemius, who died in 1941 in a ward at Bellevue Hospital surrounded by a group of Red artists and collectors dominated by pro-Soviet artist David Burluik, art writer for the Communist publication Russky-Golos, now in Russia at the express invitation of the Soviet Union of Writers, is also a selectee of the American Federation of Art.

The discovery of egocentric Eilshemius as a potential collectors' item has been attributed to Marcel Duchamp, one of the founders of the antiart "dada" group in New York in 1919 and later member of the Marxist surrealists. This person gained stature in the modern art movement when he sent a public latrine to the New York "Independents Exhibition" in 1917. His fame also rests on a photograph he signed of the Mona Lisa on which he drew a mustache, an imperial and the initials of an obscene remark.

Says one of the admirers of this nauseating careerist in an issue of a magazine called View dedicated to Duchamp, pioneer of modern art:

But make no mistake, these are no innocent games, the humor of Duchamp is gay blasphemy; this usurping of the masterpieces privileges by the pun is aimed at destroying its prestige more effectively than any thesis could do.

The photograph of the Mona Lisa signed by Duchamp is in the collection of his comrade surrealist, Matta Echqurren, from Chili. I do not know whether the latrine artily photographed by the dealer in radical art, Alfred Stieglitz, is in the Arensburg collection in California, or the Societe Anonyme, Museum of Modern Art collection at Yale University, or whether it is in the artist's own collection waiting to be sold to the highest bidder.

I do know that three more so-called geniuses discovered by dealer and promoter of the radical "isms", Marcel Duchamp, were to have been part of the State Department's proposed "20th Century American Painters" exhibition. They are Jackson Pollock, Robert Motherwell and William Baziotes.

The proteges of another dealer in left art, the late immortalizer of the latrine, Alfred Stieglitz, are on this list sent me from the United States Information Agency. Among them I find his widow, Georgia O'Keefe, Arthur Dove, John Marin, Marsden Hartley, and the aforementioned Communist, Max Weber.

Stieglitz and Weber were closely associated. Weber lived for a time at 291, the Stieglitz Gallery, which was located in New York City. Waldo Frank, chairman of the officially cited "Communist and subversive" League of American Writers is described in the Communist publication, International Literature, published in Moscow as being "loyal enough" to the party.

In stilted Marxist language he says of Alfred Stieglitz:

> The antithesis in Stieglitz is therefore his refusal of the bourgeous-capitalist world [and] * * * an integral person like Stieglitz cannot truly live except in an integral society; hence his positive acts are a rebuke of the world, call forth a constant negative from the world, and are, above all, an implicit cry for a different world—a new world—in which the integral man may live.

He further elucidates:

> In a word, a Communist society which (as Marx said) will be the beginning of a human culture, because [as Marx neglected to explain] in such a society alone, true persons can live. * * * This fact makes manifest the share in their labors of Alfred Stieglitz, whose life is an art form of the true person, whose work is a method for the creating of true persons.

That the Communist Party recognized the value to it of these labors of Alfred Stieglitz is well brought out in an obituary article at the time of his death, in the official Communist cultural publication, New Masses, August 6, 1946. It states:

> In this America, which will surely be won, Alfred Stieglitz will be revered as one of the great engineers who helped to build its soul.

Transplanted European subversive art cliques, or their American imitators, should not expect to be accepted as American art.

COMMUNIST BLIGHT ON AMERICAN ART

The Whitney Museum in New York has honored Max Weber with a retrospective show. Lloyd Goodrich wrote a book about him. The Communist New Masses bestowed on him its New Masses cultural award. Emily Genauer, crusading publicist for modern art, wrote in 1947 that certain paintings by Weber "are as fine as anything that has ever been done by an American artist." Masses and Mainstream, Communist publication, hails Weber as "one of the pioneers of modernism in American art."

But obviously Max Weber is not happy. The United States is not a Soviet Republic. Having misplaced his loyalty to the service of the false and synthetic ideology of communism, he is obliged to be a disintegrator. This must be tiresome but like Stieglitz he has labored and used what ability he possesses toward establishing world socialism the goal of the Communist conspiracy.

Max Weber, the modernist, said to the Red American Artists Congress:

> A truly modern art is yet to come, but not until the new life is here, and not before the eminent emancipation of mankind that we envisage. * * * From obscurity and vagary to the opulent light of the very heavens we must turn.

Marxist evaluators in key positions on art publications and newspapers who are dishonestly using their criticism to aid the Communist world conspiracy to transform our society to the socialist state dreamed of by Reds like Paul Robeson and Max Weber are a menace not only to a free press, but have blighted the normal fulfillment of our cultural development.

CUBISM AND COMMUNISM

To claim that officialdom of international communism has not used modern art and its practitioners as a weapon is false and untrue.

I quote from an account of the death of the pioneer French cubistic painter Fernand Leger:

> Leger's funeral, held in his village studio, where a half dozen of his cubist pictures, on easels, were placed like mourners behind the flowers around his bier, was held under the auspices of the Communist Party, of which he was a member. The funeral oration was given by Etienne Fajon, secretary of the party, which, Fajon said, Leger had "loved with all his heart and served with all his might."

What influences supporting the United Nations were responsible for this Communist cultural disintegrator Leger to be selected for painting a mural for the walls of the Assembly Hall of the General Assembly Building of the United Nations in New York?

UNESCO BUILDING TO BE DECORATED BY COMMUNIST PICASSO

It is later than we think when United States taxpayers' funds contribute to so-called art by Picasso, the Communist art-faker, and to part of the band of Marxist surrealists such as Alexander Calder, Henry Moore, Jean Arp, Joan Miro, and to Isamu Noguchi, red-fronter, who have all received commissions to decorate the headquarters building of the United Nations Educational, Scientific, and Cultural Organization now under construction in Paris.

Information I have received from the State Department brings out that the United States is paying at present 30 percent of the UNESCO budget. For 1956 the United States is contributing $3,152,574 to UNESCO. It is estimated that the United States will pay about $2,100,000 toward the new headquarters building in Paris.

These surrealists were selected by a committee of art advisors which included Sir Herbert Read, a British spokesman of the surrealist organization. This pro-Red knight of the British Empire describes these decorators in these terms:

> He—
>
> The surrealist—
>
> Is therefore revolutionary, but not merely a revolutionary in matters of art. He begins with a revolutionary attitude in philosophy, with (to be precise) that revolutionary conception for which Marx was responsible, and which may be perhaps summarized in two propositions:
>
> (1) That no theory is valid that does not envisage a practical activity based on that theory, and (2) that the object of philosophy is not to interpret the world but to transform it. Beginning from such a standpoint, the super-realist is naturally a Marxian socialist, and generally claims that he is a more consistent Communist than many who submit to all manner of compromise with the aesthetic culture and moral conventions of this last phase of capitalist civilization. * * * The surrealists entirely rely for the bringing about of the liberation of man upon the proletarian revolution.

A further elucidation of surrealism is given by the benighted knight of Marxism, the brainwashed brainwasher, Sir Herbert Read. I quote:

> But everywhere the greatest obstacle to the creation of this new social reality is the existence of the cultural heritage of the past, the religion, the philosophy, the literature and the art which makes up the whole complex ideology of the bourgeois mind. * * * The super-realistics (surrealists) who possess very forceful expositors of their point of view, realize this very clearly, and the object of their movement is therefore to discredit the bourgeois ideology in art, to destroy the academic conception of art. Their whole tendency is negative and destructive.

Five of these six so-called artists Picasso and Miro, the chiselers, Arp and Moore, and Alexander Calder, are included in this Marxist antiart movement which is strict in its demand for adherence to Karl Marx's theory of dialectical materialism.

These six antiartists were given the designation "top artists" on the front page of the New York Times by Aline Saarinen, modern art publicist, in her dispatch from Paris, June 13, 1956, hailing these commissions. It would be interesting to know if Mrs. Saarinen, wife of the modern architect, Eero Saarinen, served in an advisory capacity as a member of the American section of the International Association of Art Critics which made nominations for the committee of art advisors of UNESCO? She obviously shares with Read a joint enthusiasm for these self-proclaimed destroyers of Western democratic culture.

A Soviet art authority, A. Y. Arosev, describes the role of art in relationship to world communism as follows:

> Our conception of art is based upon the principles of Marxist-Leninist philosophy.
>
> Art * * * plays the role of a specific weapon. * * * By the sheer logic of social evolution that is impelled by the struggle of classes, it (art) either tends toward a revolutionary change of the existing social order or serves the interests of its maintenance and consolidation.

I have delivered six speeches before this House in which I have turned the spotlight of truth on the use by world communism of art in the United States

as an instrument or weapon to effect "a revolutionary change of the existing social order" of non-Communist countries. My interest has been primarily related to communism's masked cultural attack upon this United States Government and our society.

Art within the Soviet borders and its satellites is no longer a weapon of destruction but rather an instrument serving "the interests of its"—the U. S. S. R.'s—"maintenance and consolidation."

Sir Herbert Read, the surrealist promoter, says:

> Surrealism is a negative art, as I have said, a destructive art; it follows that it has only a temporary role; it is the art of a transitional period.

And like George Hugnet, French surrealist writer, he agrees that—

> Socially surrealism desires the liberation of men, and devotes itself to this end by all the means in its power: Unremitting defeatism, demoralization, and aggressiveness.

To these Red supporters of Karl Marx—whose so-called art, and so-called art criticism, is cultural, moral, and political infection, the decorations to adorn the UNESCO building in Paris will represent a triumph against reason, patriotism and the "bourgeois God" as red Read describes the Creator, and against classicism in art which he describes as "the intellectual counterpart of political tyranny."

Should the United States taxpayer be expected to pay any part for the selection by the International Association of Art Critics and Herbert Read for his antisocial partners to be lifted to official worldwide recognition as artists?

WHITTAKER CHAMBERS WARNS OF WORLD FORECLOSURE BY COMMUNISM

It is truly later than we think when Whittaker Chambers, who has traveled through the confusing maze of communism deceptions to arrive at truth, has this to say:

> The 20th Congress—
>
> Twentieth Congress of the Soviet Communist Party—
>
> met at what Communists suppose to be an ultimate or penultimate stage of this century's history. It met to register the general line of a new tactic whose end result, if successful, would foreclose that stage of history in a world wholly Communist, or on the point of becoming so.

This warning behooves those determined to upset the Communist foreclosure of men's minds, lives and destiny to recognize the ever-changing, sometimes diametrically opposite tactics of these world schemers working for world socialism they expect to control.

The planned process of western cultural disintegration, the antithesis stage of communism in action, is hailed by the Russian-educated Communist Jack Chen, Chinese correspondent of the Daily Worker, in these words:

> At the point where typically bourgeois art descends step by step from the truest vision of reality that it attained, and disintegrates in the realms of fantasy, in cubism, constructivism, expressionism, and surrealism, it is there that Socialist ideology and its art bound up with the great progressive labor movement carries human vision forward again to realism, reintegrates it, and advances to social realism, to a truer vision of the world and to greater heights of art and humanist aspiration.

Socialist realism, the art being developed since approximately 1932 in the Soviet Union, is the synthesis stage of dialectical materialism (communism) in action.

This follows Lenin's 1919 dictum:

> All the culture left by capitalism must be taken and socialism built with it. All science, technology, all knowledge and art must be taken. Without this we shall not be able to build the life of a Communist society.

DEFENDERS AND PROMOTERS OF COMMUNISM'S FIFTH COLUMN

A glib denial of the close tie-up of so-called modern art with communism is often brought forth by the publicists and promoters of the disintegrating "isms" in a vain attempt to protect varied interests.

I have been attacked by Carey McWilliams, Communist Party member, and accused of using the same adjectives in describing so-called modern art as those used by Stalin and Hitler. Obviously his motive in attacking me was an attempt to protect the Red art movement so important to the Communist conspiracy.

I have also been attacked by modern art publicists and promoters such as Alfred Barr, Jr., and Rene d'Harnoncourt, directors of the Museum of Modern Art.

They are vainly attempting to protect the same thing that McWilliams is protecting, mainly the thoroughly discredited and subversive so-called art and antiart movements and the careers of the highly publicized leading exponents of these destructive art manifestations.

THE SOCIETE ANONYME, MUSEUM OF MODERN ART, 1920

In the June 1956 issue of Facts Forum News there appears an article by Rene d'Harnoncourt in which he attempts to defend modern art by false and spurious reasoning and the misrepresentation of the facts.

By adroit innuendo and deceit he attempts to give the impression that I had claimed Wassily Kandinsky, Russian abstract painter and founder of Moscow's Institute of Art Culture in 1920, had been in the United States. I made no such statement as the editors of Facts Forum can easily ascertain by referring to my speech delivered before this House August 16, 1949, entitled "Modern Art Shackled to Communism."

And furthermore d'Harnoncourt requotes a misquote from one of my speeches. The paragraph attributed to me by Mr. d'Harnoncourt is not contained in my speech. It is a paragraph containing an opening sentence of one of my paragraphs and without an indication of the fact that a column containing seven paragraphs has been skipped, it ends up with a portion of a paragraph on the next page.

Since the Museum of Modern Art has written my office for copies of my speeches I see no reason for Mr. d'Harnoncourt to repeat a misquote from a previous article.

Another twisted fact in this article by the director of the Museum of Modern Art is this. He states:

> The Societe Anonyme was not first organized as the Museum of Modern Art. In order to clarify its purpose it added the words "museum of modern art" as a parenthetical subtitle to its name.

I will quote Miss Dreier, one of the three radicals who founded the Societe Anonyme, Museum of Modern Art in 1920. She says:

> And then there was the Societe Anonyme, which had the courage to establish the first Museum of Modern Art in 1920. This group truly tried to bring some kind of order out of all this chaos and confusion into which the Armory Show had cast this country, and through their organization called the Societe Anonyme, Museum of Modern Art, startled everyone by deliberately calling themselves a museum, when all they possessed in 1920 were two rented rooms on the third floor front at 19 East 47th Street.

The title "Museum of Modern Art" was not a parenthetical subtitle of the Societe Anonyme, Museum of Modern Art, 1920, as d'Harnoncourt erroneously states. It was capitalized and part of the title of the organization, as photostats in my possession prove.

FACTS ABOUT MODERN ART

The late Katherine S. Dreier, one of the organizers of the Societe Anonyme, Museum of Modern Art, 1920, was not culturally or politically naive. She was a radical with knowledge of the revolutionary meaning of the so-called art she was falsely promoting in this country as "progressive."

She says:

> The Dadaists are the Bolshevists in art, distinguishing the word "bolshevism" from Soviet, in other words, the group who believe in destruction to prepare the ground for construction.

This statement is damning proof of the destructive purpose behind this first Museum of Modern Art, when coupled with the fact that Miss Dreier's other cofounders of her sinister organization, Marcel Duchamp and Man Ray, were 2 of the 3 organizers of the Dada group in this country.

In 1948 I find Miss Dreier, along with Rockwell Kent, Max Weber, Philip Evergood, Robert Gwathmey, Milton Avery, William Zorach, Ben Shahn as a sponsor of the Federal fine-arts program of the subversive National Council of the Arts, Sciences, and Professions, the slithering Red organization lauded by V. J. Jerome.

Miss Dreier's organization included besides the dadaists, the cubists, Italian futurists, German Der Blaue Reiter, the Stieglitz group, and the Burliuk Valyet—the Jack of Diamonds—all of which were groups dedicated to organized cultural disintegration. Kandinsky, Paul Klee, Fernand Leger, Miro, Ozenfant, Gorky, Burlink, Joseph Stella, Max Weber, William Zorach are but a few of the radicals and Communists promoted by this organization.

MODERN ART IN THE SOVIET UNION

Mr. d'Harnoncourt states:

> Ever since the Communist Party leadership has concerned itself seriously with art,

modern art has been officially declared to be anathema to Communist society.

This is untrue. In the first place the leadership of the Communist conspiracy has always concerned itself seriously with art even prior to the Russian Communist revolution of October 1917. And so-called modern art, the art of the isms, was given official Soviet power and prestige in Russia immediately after the revolution.

Says an art writer in discussing the Mexican Communist Diego Rivera's experiences in Paris before the Russian revolution:

It was during his cubistic period that Rivera was introduced into the company of a group of Russian painters. * * * Indulging the revolutionary passion for manifestos, the Russians in Paris drew up a collective resolution somewhat after this fashion. "We must give art to the masses as industry must be made to provide goods for everybody in a socialist society, so must art be made to give itself to the workers." Rivera speculated about this resolution. In the back of his mind he was amused by the thought of stupid Russian peasants gaping at the cubistic canvases which the young revolutionary painters proposed to take home to them, but he phrased his ultimate dissent in tactful Marxist terminology. * * *

The Marxist theoreticians did not object to Rivera's criticism but they asked for examples of the kind of art he meant. * * * He refused an invitation to go to Russia on the spot and paint cubistically there.

An invitation to visit and work in the Soviet Union is told of by Rivera in an article "What Is Art For" in the Modern Monthly, June 1933. He says:

In the year 1919 Ilya Ehrenburg (Russian Goebels), working for the Soviet Government, was able to slip through the blockade that surrounded Russia at that time, and come to Paris bringing invitations from Sternburg, Commissar of Art, to Picasso, Lezier, and myself. We were invited to Moscow to work with the group then called "the Social Decorators" who were guided by the traditions of futurism, and cubism which were dominant in Paris.

Evidently more disintegrators were needed in Russia.

Elsewhere this Mexican Communist Diego Rivera traced a general outline of his career in which he told of his association with Leon Trotsky and other revolutionaries in Paris before the Russian revolution. He stated in those days his communistic friends believed that for purposes of political propaganda it was sufficient to give the masses the type of art that was then being produced in Paris; that is, futurism, cubism, and the other antiart movements designed to destroy what their originators sneeringly called bourgeois Western culture.

The late Katherine Dreier has this to say regarding the use of radical art by the Russian Communist Government:

It was the same in Russia and therefore it was but natural that that strong and vigorous mind among the painters, Kandinsky was chosen by the Soviet Russian Government to establish museums throughout all the smaller towns.

LIQUIDATION OF RUSSIAN CLASSIC ART AND TRADITIONAL ARTISTS

This art situation prevailing in the Soviet Union in the early 1920's is described by an art writer Ivan Narodny, International Studio, March 1923, in an article entitled "Art Under the Soviet Rule." He says:

Because the artists were classified as belonging to the bourgeois class, they were called the enemies of the proletariat. The Soviet leaders demanded that they should come to their commissars and swear allegiance to communism on pain of being outlawed. The intelligentsia as a whole ignored the new dictatorial rules. But there was a class of unsuccessful and eccentric artists, most of them amateurs or utopian bohemians who called themselves cubists, futurists or expressionists and spoke with disdain of their successful academic colleagues as the "black hundred" of conventionalism. They rushed immediately to the offices of the new functionaries and offered their services. For them the Bolshevik political program was a counterpart of their aesthetic dogma, condemning everything indiscriminately if it had any standards of the past. This flattered the rabid leaders of communism and they received the converts with open arms, appointed to powerful positions as art commissars, heads of museums, etc., which at once gave them unlimited power. They became feared functionaries of the revolutionary government. * * * The more eccentric a composition was the better it suited the Soviets. This was called international or proletarian art.

Rene d'Harnoncourt, spokesman for the Museum of Modern Art, is attempting to use a false thesis when he states that—

Modern painting was, and still is, banned in Russia.

As a matter of fact, so complete was the dominance of the cubists, futurists, constructivists, abstractionists that Narodmy states in 1923:

All the well-known prerevolutionary artists of Russia are famished paupers at home, have died of misery or have left the country.

This is cultural vandalism and indirectly murder masking as international art. The martyred artists of Russia were not the modernists but the traditionalists and classicists.

D Harnoncourt titles his unfactual article in Facts Forum magazine "Modern Art and Freedom." What is free about the ruthless destruction of the art and artists of a nation by a band of cultural revolutionary experimenters who used so-called modern art as a weapon in their mad drive for power?

OFFICIAL SOVIET BINGE OF THE "ISMS"

The Museum of Modern Art directed by D'Harnoncourt has in its collection 12 paintings, and several prints by Wassily Kandinsky, who in 1920 founded the Institute of Art Culture in Moscow.

Painting and music—

Said Kandinsky—

are clearly headed for a complete change from the realistic to the non-objective plane or, in other words, from the logical to the illogical.

Kasimir Malievich, Communist and Russian suprematist, said:

Fine art is banished. The artist-idol is a prejudice of the past. Suprematiam presses the whole of painting into a black square on a white convan.

The late Katherine Dreier has this to say of Kasimir Malievich:

After the revolution, he found himself in power to introduce his ideas of aesthetics into life and to win friends for it.

Peggy Guggenheim tells of a deal she made with Alfred Barr, of the Museum of Modern Art, in her banned book, Out of this Century. She says:

Finally Barr gave me a Malevitch, of which he had 13 in the cellar, for an Ernst.

By this maneuver the Museum of Modern Art exchanged a Russian Communist painting for one by Max Ernst, a German-born Communist. Now the American Federation of Art wants to send a Max Ernst abroad as representative of American art.

Since so many of our so-called art critics are Marxists, and since by the very acceptance of that brainwashing philosophy they are unable to be objective scholars I feel the general American public, which these Marxist cultural evaluators have been endeavoring to influence, should know more of the truth of the binge of the "isms" under Soviet rule.

In his book, Stalin, by Nikolaus Basseches, he says:

Actually before the revolution those literary and artistic, and in some measure those scientific circles that had not been recognized by society in the past, had joined in the Russian revolution. As they had not been able to make their way under the old social order, they stood for a new one—for the revolution. They sought recognition as innovators; they were out to revolutionize art, and thought they would be able to attain their ends through the revolution. * * *

In architecture and in music the most extreme tendencies in the West were regarded as just extreme enough to serve as the starting point in Russia. LeCorbusier was considered to be the architect for the industrial age; his functional style was regarded as an expression of the materialist conception of art. * * *

These tendencies were regarded as revolutionary. Their leading representatives had long been members of the Communist Party, and considered themselves to represent revolutionary art. For years, with state support, they had attacked classical art and literature, setting them down as behind the times and incompatible with the revolution. * * *

In some respects they were for years all-powerful. The old art and traditional artists suffered severely at their hands.

This era of Soviet history, when cubism, futurism, expressionism, abstractionism, constructivism, and suprematism were hailed as revolutionary, as proletarian, and used by the Bolsheviks to destroy traditional and classic art which they regarded as representative of an obsolete aristocratic culture, is conveniently misplaced by Rene de'Harnoncourt and other publicists for the second-hand destructive antiart isms of the Russian revolution. For years the Museum of Modern Art has been administering artificial respiration to these second-hand isms by publicizing them as "modern" and "progressive" and their leaders as "men of genius."

SOVIET ART NOW IN SYNTHESIS STAGE OF SOCIAL REALISM

Many of the inexpert art authorities of the so-called modern art movement emphasize and reiterate time and time

again that within the Soviet Union and its satellite states the official party line calls for social realism, the realistic art interpretation of socialism.

As I have stated previously: The Communist art that has infiltrated our cultural front is not the Communist art in Russia today—one is the weapon of destruction, and the other is the medium of controlled propaganda.

No one knows this better than the Soviet art authorities. Very keenly does the Marxist cultural theoretician understand the use and destructive power of the disintegrating art distortionists. They went through it and Soviet art is now suffering from it. As Jack Chen says:

> But there was * * * a really shattering break from which Russian art is suffering even today. The first years in art after October were dominated by the left, the futurists, the constructivists, suprematists, the abstract painters, and the Cezannists, Mayakovsky, Tatlin, Malivich, the artists of the Jack of Diamonds group. The break with the past was bitter. Even the study of anatomy was exiled from the art schools. This conscious break with the bourgeois realist tradition and with Tzarist feudal art lasted from 1918 'til 1924. As a result a whole generation of artists left the art schools without the basic equipment for realist painting.

They—

> The Soviet artists—

are fully conscious of the high achievement that is expected of Soviet artists. But, while sanely listing their successes, they do ask that account be taken of the serious difficulties with which the art here—

> Soviet Union—

is faced—difficulties which impatient sympathizers abroad tend to ignore. They have in mind a more fundamental difficulty—the loss of a realist tradition.

OUR CLASSIC AMERICAN TRADITIONS IN ART ARE THE NATION'S HERITAGE

Top secret data desired by the Soviets was filched by the convicted spies, Julius and Ethel Rosenberg, and turned over to Russia. They paid with their lives.

Here again the Leninist directive to seize all science, technology, all knowledge and art to build the life of a Communist society was put into evil practice by these traitors.

Let us safeguard our culture from traitorous attacks from enemies of freedom. The priceless heritage of our art and culture must be protected for future generations and not be ruthlessly destroyed by so-called art manifestations that have been consciously designed to disintegrate cultural standards and have proven to have been an effective means of destruction.

THE RIGHT TO COUNSEL

The SPEAKER. Under previous order of the House, the gentleman from New Jersey [Mr. THOMPSON] is recognized for 30 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, recently the New York Times carried an account of a controversy between Assistant Attorney General William F. Tompkins and the Cleveland Bar Association. According to United Press correspondent Robert F. Coll, Mr. Tompkins described as "dupes of the Communists" bar groups that raised funds to defend persons on trial for violating the Smith Act.

The Cleveland Bar Association's president, Eugene H. Freedheim, strongly denounced Mr. Tompkins' statement as a challenge of the right to counsel:

> The defense of an unpopular cause is not an easy task. Those who perform such tasks are acting in the highest and best American tradition, and they should be thanked and not blamed for keeping alive in the United States the constitutional tradition that every man should have a fair trial. * * * The Justice Department is the last branch of our Government which should attack the bar for doing its patriotic duty.

Following a meeting with members of the Cleveland Bar Mr. Tompkins issued a statement asserting that—

> He never challenged the right of any defendant, however unpopular, to counsel.
>
> He did not use the word "dupes" in his talk with Mr. Coll.
>
> He did not criticize the Cleveland Bar Association directly or indirectly.
>
> He intended merely to note that the first Smith Act defendants had had their own lawyers, but recent ones had relied on court-appointed counsel.

On this note a satisfactory termination of the dispute is reported. But within this dispute are to be found many of the elements of a problem that has become a serious aggravation to our lawyers and our courts. And if a satisfactory solution is not soon found this problem must inevitably become a subject for congressional consideration.

We have assumed for years that in the United States it is a constitutional tradition that every man should have a fair trial. From this assumption we accepted without thought of challenge the right of any defendant, however unpopular, to counsel.

Until a few years ago most Americans, lawyers and laymen alike, thought the right of an accused to counsel in a serious criminal case was unquestionably a part of the Bill of Rights.

HISTORICAL BACKGROUND

Knowledge and understanding of a traditional right is rooted in its history. Though many American legal traditions stem from English common-law rules, this cannot be said of the right to counsel. Originally, in England, a prisoner was not permitted to be heard by counsel upon the general issue of not guilty on any indictment for treason or felony. The practice of English judges, however, was to permit counsel to advise with a defendant as to the conduct of his case and to represent him in collateral matters and as respects questions of law arising upon the trial—Chitty, Criminal Law, fifth American edition, volume I, pages 406–407. However, the great English common-law judges acknowledged a legal tradition which prohibited the accused assistance of counsel in questions of fact. Blackstone commented on the unhumanity of the rule "that no counsel shall be allowed a prisoner on trial, upon the general issue in any capital crime, unless some point of law shall arise to be debated," contending that it appeared to be inconsistent "with the rest of the humane treatment of prisoners by the English law."—volume 4, Blackstone, Commentaries, page 355. In 1695 the rule was relaxed by statute to the extent of permitting one accused of treason the privilege of being heard by counsel—volume 7, Will. III, chapter 3, section 1. The rule forbidding the participation of counsel stood, however, as to indictments for felony, until 1836, when a statute accorded the right to defend by counsel against summary convictions and charges of felony—volumes 6 and 7, Will. IV, chapter 114, sections I and II.

American colonies rejected this harsh common-law rule that one accused of felony is not entitled to representation by counsel. Penn's charter of privileges, granted to the inhabitants of Pennsylvania and territories, October 28, 1701, declared that "all criminals shall have the same privileges of witnesses and council as their prosecutors." In South Carolina, as early as 1731, every person charged with treason, murder, felony, or other capital offense was allowed to make full defense by counsel learned in the law—act of August 20, 1731, Grimke, South Carolina Public Laws, 1682–1790, section XLIII, page 130. Virginia, by an act of 1734 declared that in all trials for capital offenses the prisoner upon his petition to the court should be allowed counsel—Hening's Statutes at Large, volume 4, page 404. The 1777 Session Laws of North Carolina, chapter 115, section 85, provided:

> Every person accused of any crime or misdemeanor whatsoever shall be entitled to counsel in all matters which may be necessary for his defense, as well to facts as to law.

In the Delaware declaration adopted September 11, 1176, article 14, reads:

> That in all prosecutions for criminal offenses, every man hath a right * * * to be allowed counsel.

An early commentator and compiler of laws in Connecticut, though writing expressly for Connecticut, has in reality expressed the thinking and judgment of the colonists universally with respect to the common-law rule and the right to counsel:

> We have never admitted that cruel and illiberal principal of the common law of England that when a man is on trial for his life, he shall be refused counsel, and denied those means of defense, which are allowed, when the most trifling pittance of property is in question. The flimsy pretense that the court are to be counsel for the prisoner will only heighten our indignation at the practice: For it is apparent to the least consideration, that a court can never furnish a person accused of a crime with the advice, and assistance necessary to make his defense. This doctrine might with propriety have been advanced, at the time when by the common law of England, no witnesses could be adduced on the part of the prisoner, to manifest his innocence, for he could then make no preparation for his defense. One cannot read without horror and astonishment, the abominable maxims of law, which deprived persons accused, and on trial for crimes, of the assistance of counsel, except as to points of law, and the advantage of witnesses to exculpate themselves from the charge. It seems by the ancient practice, that whenever

a person was accused of a crime, every expedient was adopted to convict him and every privilege denied him, to prove his innocence.

* * * * *

Our ancestors when they first enacted their laws respecting crimes, influenced by the illiberal principles which they had imbibed in their native country, denied counsel to prisoners to plead for them to anything but points of law. It is manifest that there is as much necessity for counsel to investigate matters of fact, as points of law, if truth is to be discovered.

The legislature has become so thoroughly convinced of the impropriety and injustice of shackling and restricting a prisoner with respect to his defense, that they have abolished all those odious laws, and every person accused of a crime, is entitled to every possible privilege in making his defense, and manifesting his innocence, by the instrumentality of counsel, and the testimony of witnesses. (Swift, A System of the Laws of Connecticut. Windham, John Byrne, 1795–1796, vol II, pp. 398–399.)

Logically the right to counsel found its way into the constitutions of the revolutionary States. At the time of the adoption of the Federal Constitution rejection of the common-law rule as to counsel had been written into no less than 12 of the constitutions of the Original Thirteen States.

RIGHT TO COUNCIL IN THE SIXTH AMENDMENT

The sixth amendment reflected the same intent and purpose that the provisions of the State constitutions were aimed at. All were designed to do away with the rules which denied representation, in whole or in part, by counsel in criminal prosecutions—*Betts* v. *Brady* (316 U. S. 455, 466).

When the sixth amendment guaranteed to every defendant the right in all criminal prosecutions to have the assistance of counsel for his defense, it was generally understood to mean that in Federal courts the defendant in a criminal case was entitled to be represented by counsel retained by him. It was not assumed that this constitutional privilege comprised the right of a prisoner to have counsel assigned to him by the court if, for financial or other reasons, he was unable to retain counsel. The sixth amendment was not regarded as imposing on the trial judge in a Federal court the duty to appoint counsel for an indigent defendant—Holtzoff, The Right of Counsel under the sixth amendment. New York University Law Quarterly revised, volume XX, 6. The amendment is "the declaration of a right in the accused, but not of any liability on the part of the United States"—*Nabb* v. *United States* (1 Ct. Cl. 173 (1864)).

In practice some of the Federal courts assigned counsel when a case involved a serious offense, if the defendant was not represented by counsel of his own choice, unless he expressly stated that he wished to conduct his own defense. On the other hand, some district courts did not appoint counsel for a defendant who appeared without an attorney, unless the defendant affirmatively and expressly requested that a lawyer be designated to represent him. It was common practice not to assign counsel for a defendant desiring to plead guilty.

It is clear that the Federal courts never thought they were required by the sixth amendment to appoint counsel for indigent defendants at any time before *Johnson* v. *Zerbst* (304 U. S. 358), in 1938. In that case the Supreme Court reversed a constitutional doctrine without overruling any of its own precedents. It proceeded to enunciate a doctrine which was new only in that the proposers of the counsel provision of the sixth amendment obviously intended nothing so broad, and in that a long-standing, though informally held, interpretation of the counsel provision was thrust aside. By judicial pronouncement the Supreme Court made the law conform to a practice or custom which had grown up in many of the Federal district courts, and then enlarged its scope—Beaney, The Right to Counsel in American Courts, 1955, page 77.

Justice Black summarized the Court's conclusions as follows:

If the accused, however, is not represented by counsel and has not competently and intelligently waived his constitutional right, the sixth amendment stands as a jurisdictional bar to a valid conviction and sentence depriving him of his life or his liberty. A court's jurisdiction at the beginning of trial may be lost in the course of the proceedings due to failure to complete the court—as the sixth amendment required—by providing counsel for an accused who is unable to obtain counsel, who has not intelligently waived his constitutional guaranty, and whose life and liberty is at stake. If this requirement of the sixth amendment is not complied with, the court no longer has jurisdiction to proceed. The judgment of conviction pronounced by a court without jurisdiction is void, and one imprisoned thereunder may obtain release by habeas corpus (304 U. S. at 468).

STATE COURTS AND THE RIGHT TO COUNSEL

There is evidence that in only seven States: California, New York, Indiana, Georgia, Nevada, New Mexico, Nebraska, has the State constitutional provision been given an interpretation comparable to that which the United States Supreme Court gave to the sixth amendment provision in Johnson against Zerbst. The original State constitutional provisions were designed primarily to abrogate the English common-law rule which in effect denied the right to appear with counsel on felony charges, rather than to create the broad duty of furnishing counsel in every State criminal trial.

The question concerning the right to counsel with respect to the States is whether due process of law demands that in every criminal case, whatever the circumstances, a State must furnish counsel to an indigent defendant. Is the furnishing of counsel in all cases dictated by natural, inherent, and fundamental principles of fairness? The answer to the question may be found in the common understanding of those who have lived under our system of law. By the sixth amendment the people ordained that, in all criminal prosecutions, the accused should "enjoy the right to have the assistance of counsel for his defense." The Supreme Court has construed the provision to require appointment of counsel in all cases where a defendant is unable to procure the services of an attorney, and where the right has not been intentionally and competently waived—Johnson against Zerbst, cited supra. Though this amendment lays down no rule for the conduct of the States, the question can be raised whether the constraint laid by the amendment upon Federal courts expresses a rule so fundamental and essential to a fair trial, and so, to due process of law, that it is made obligatory upon the States by the 14th amendment.

To Justice Roberts, the constitutional and statutory provisions of the colonies and States prior to the inclusion of the Bill of Rights in the national Constitution, and the constitutional, legislative, and judicial history of the States to the present demonstrate that "in the great majority of the States, it has been the considered judgment of the people, their representatives and their courts that appointment of counsel is not a fundamental right, essential to a fair trial. On the contrary, the matter has generally been deemed one of legislative policy. In the light of this evidence, we are unable to say that the concept of due process incorporated in the 14th amendment obligates the States, whatever may be their own views, to furnish council in every case—*Betts* v. *Brady* (316 U. S. 455, 471).

POWELL V. ALABAMA

Before the Scottsboro case—*Powell* v. *Alabama* (287 U. S. 45)—in 1932 a person accused of crime in a State court had no right to counsel guaranteed by the Federal Constitution. There the Supreme Court ruled squarely that due process includes the right to counsel.

The fundamental character of the right in question, rather than traditional and historical usage, is the essential criterion in determining due process. Is this right required by "the fundamental principles of liberty and justice which lie at the base of all our civil and political institutions?"—(*Hebert* v. *Louisiana* (272 U. S. 312, 316). It is clear that the right to the aid of counsel is of this fundamental character. In its most elemental sense due process clearly embraces the concept of a fair hearing, and in this country at least that has always included representation by counsel—Fellman, The Federal Right to Counsel in State Courts, 1951 (Nebr. L. Rev., 31: 18).

In the opinion in Powell against Alabama, cited above, Justice Sutherland made no attempt to bring the provisions of the 6th amendment within the meaning of the due process of law clause of the 14th amendment. Instead, he based the Court's ruling on a consideration of what he deemed to be a fair hearing on a criminal charge and declared that in the circumstances of this particular case the assistance of counsel was essential to a "hearing" as intended by the 14th amendment. He reasoned:

The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evi-

dence irrelevant to the issue or otherwise inadmissable. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect. If in any case, civil or criminal, a State or Federal court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be denial of a hearing, and, therefore, of due process in the constitutional sense. (*Powell* v. *Alabama*, cit. supra, at p. 59.)

But the decision of the Scottsboro case did not turn upon the fact that the benefit of counsel would have been guaranteed to the defendants by the provisions of the sixth amendment if they had been prosecuted in a Federal court. The decision turned upon the fact that in the particular situation laid before the court in the evidence, the benefit of counsel was essential to the substance of a hearing—Justice Cardozo in *Palko* v. *Connecticut* (302 U. S. 319, 327).

It was not the intention of the Supreme Court in the Powell decision to require States to observe all the rules which prevail in Federal courts. With careful precision Justice Sutherland defined the scope of the decision in this minimal rule:

All that it is necessary now to decide, as we do decide, is that in a capital case, where the defendant is unable to employ counsel, and is incapable adequately of making his own defense because of ignorance, feeblemindedness, illiteracy, or the like, it is the duty of the court, whether requested or not, to assign counsel for him as a necessary requisite of due process of law; and that duty is not discharged by an assignment at such time or under such circumstances as to preclude the giving of effective aid in the preparation and trial of the case. To hold otherwise would be to ignore the fundamental postulate, already adverted to, "that there are certain immutable principles of justice which adhere in the very idea of free government which no member of the Union may disregard." (*Holden* v. *Hardy* (169 U. S. 366, 389); (*Powell* v. *Alabama* (*cit. supra*, at p. 71).)

FAIR TRIAL RULE

On the basis of Justice Sutherland's reasoning "it seemed only a matter of time before it would be extended to include virtually all criminal proceedings."

The expected did not happen. In 1942, in *Betts* v. *Brady* (316 U. S. 455), a Maryland trial court refused to appoint counsel at the request of an indigent defendant charged with robbery. The refusal to appoint counsel was not a denial of due process in this noncapital case, said the Supreme Court, because the issue had been simple, the defendant mature, and the trial fair. The effect of this fair-trial rule was to make the question of appointment one to be decided on a case-by-case basis after an examination of the totality of facts. Under the rule, appointment was necessary only if the defendant had certain characteristics or if unusual circumstances or a complicated charge made an adequate defense without counsel impossible. By emphasizing the fairness of the trial, an additional test was suggested.

This fair-trial doctrine has proved difficult to apply. So many variables are included within its ill-defined limits that it has failed to provide adequate guidance for State trial courts and has confused State and Federal courts called upon to review alleged denials of the right to counsel—Beaney, The Right to Counsel in American Courts, 1955, pages 229–230.

METHODS OF PROVIDING COUNSEL

Besides the difficulties inherent in determining the necessity of appointment, there is to be considered methods of providing counsel. Three possibilities exist: by appointment from the private bar, establishment of legal-aid bureaus, and creation of the office of public defender.

The outstanding example of providing counsel by the traditional method of appointment from the bar is the New Jersey plan. Probably this is a logical historical sequence. Prior to the Revolution New Jersey had no statutory provision related to the right to counsel. It followed the English rule—Preston W. Edsal, editor, Journal of the Courts of Common Right and Chancery of East New Jersey, Philadelphia, American Legal History Society, 1937, page 130. The Constitution of 1776 guaranteed that "all criminals shall be admitted to the same privilege of witnesses and counsel, as their prosecutors are, or shall be entitled to"—New Jersey Constitution 1776, paragraph XVI. This was implemented and broadened by an act of 1795 that not only authorized, but required the courts in cases of indictment "to assign to such person if not of ability to procure counsel, such counsel, not exceeding two, as he or she shall desire"—New Jersey Acts of the General Assembly, 1791–96, page 1012. "As late as 1800 it seems that only in New Jersey, by statute, did the accused enjoy a full right to retain counsel, and to have counsel appointed if he were unable to afford it himself"—Beaney, in the work cited, page 21.

Under the leadership of Chief Justice Vanderbilt, the lawyers of New Jersey have recently established a system of appointment which represents what has been described as "the most ambitious effort to date to retain the traditional system."

The plan originated in 1948 in Essex County. Under it the entire bar participates as counsel to indigent defendants in criminal matters, in rotation, with supplemental aid in interviewing witnesses and other detailed work from qualified law students or law clerks residing in the county acting as juniors—Robert K. Bell, legal aid in New Jersey. American Bar Association Journal, 36:357. Following the success of the plan in Essex County and the favorable report of a committee appointed by the Chief Justice to study the plan, the New Jersey Supreme Court adopted, January 1, 1953, a new rule "which points in the direction of a more intelligent and systematic utilization of the bar."

These are the key sections:

(d) Where an indigent person convicted of crime desires to take an appeal, or to institute proceedings to correct an illegal sentence or for a writ of habeas corpus, the trial court or the appellate court on his application and on a showing of reasonable doubt may assign an attorney or counsellor-at-law, as may be appropriate, to represent him. Assignments for these purposes and for the purpose of having preliminary reviews made to determine the existence of reasonable doubt may be made from habeas corpus advisory committees organized by the junior section of the State bar association.

(e) As far as practicable all assignments of attorneys or counsellors-at-law shall be made from the members of the county bar in alphabetical rotation from a master list to be maintained by the senior county judge, except in cases of murder and assignments made under paragraph (d) hereof. Law clerks and law students residing in the county shall be assigned to them, wherever possible, to act as clerks in the investigation and preparation of assigned matters. Counsel serving under paragraph (d) hereof shall be given credit for such service on the master list. In cases of murder counsel shall be assigned by the court specially and shall be allowed reasonable compensation.

(f) Counsel serving by assignment of court and under rule 3: 97–9 on matrimonial matters or serving under rule 1: 16–4 (f) shall be given credit for such service on the master list. (New Jersey Supreme Court, rule 1: 12–9.)

Appointments are made in noncapital cases in rotation from an alphabetical roster providing equitable distribution of labor. It is estimated that assignment of any one man will not occur more frequently than once in 10 months and that trials will not be necessary oftener than once in 2½ years.

William M. Beaney has indicated some of the criticisms leveled at the New Jersey plan. The plan represents lawyer and bar interests more than it does defendant interests. Not all lawyers are competent in the criminal field, nor are all suitable as trial lawyers. The infrequency of appointment will not lead to the creation of experienced defenders, and the experienced prosecutor will still be at an advantage. In short, the form of the right to counsel is observed without an equal concern for its substance, and this defeats the fundamental purpose of extending the right to counsel to indigents, namely, to answer the claim for equal justice under the law. The New Jersey plan does not achieve that goal, although it is a substantial advance over the haphazard system of appointment at present in effect in most States.

Legal aid societies are to be found in a variety of forms. The New York Legal Aid Society receives support from public contributions and from members of the bar. Law firms contribute on behalf of all members on an annual basis. Funds are budgeted for criminal and civil functions. In Philadelphia, the voluntary defenders' office is financed by the Community Chest.

The New York organization makes a greater use of voluntary assistance. In Philadelphia the burden is borne by a permanent staff.

The principal objection to legal aid organizations is financial. In depressions funds decreased and service must be curtailed at a time when it is often more necessary than ever.

This is the method supported by the American Bar Association. Some of the advantages of this method of aiding the indigent defendant are persuasive. This plan enlists the enthusiastic support of the more idealistic members of the bar. It aids defendants more efficiently and effectively by creating a permanent staff of experienced criminal and trial lawyers, who have investigative and clerical services not often made available to the private attorney assigned as defense counsel. Politics takes no part in the work of legal aid organizations.

On the other hand, the public defender plan for providing counsel for indigents has enthusiastic support in many areas. This method originated in 1913 in Los Angeles County, Calif. Today it operates on a statewide basis in California, Connecticut, Illinois, Mississippi, Nebraska, and Virginia. The plan is also in operation in Indianapolis, Providence, St. Paul, St. Louis, and Tulsa.

The public defender is a public official with a staff of assistants and clerks to enable him to defend indigents accused of crime.

The public defender system has been termed a regrettable remedy, and denounced as a system bearing "a striking and disturbing similarity to totalitarian procedure"—Judge Edward J. Dimock, The Public Defender: A Step Toward a Police State?, American Bar Association Journal, 42: 219. There has been vociferous attacks by a certain segment of the criminal bar. William M. Beaney found:

> More substantial objections arise from the fear that the public defender, as a public official, will not be motivated by concern for the defendant's plight but will tend to establish a friendly and "workable" relationship with the judge and, more important, with the prosecutor's office. The standard arguments of the critics which proved decisive in defeating the proposal for a public defender when this was urged at Cleveland in 1931 emphasized the tendency of public defenders to harden toward all defendants' stories because of the volume of cases and the resulting lack of enthusiasm, and the unhealthy relationship which would develop between prosecutor, judge, and public defender. (Beaney, op. cit., pp. 218–219.)

CONCLUSION

Regardless of the fitness of the system employed, the States must undertake widespread reform of their existing practices respecting counsel. The importance of this problem cannot be understated. The criminal jurisdiction of our Federal courts has grown impressively and in relation to increased Federal activities. Complicating the problem are the separate criminal procedures of 48 States.

The United States Supreme Court has the duty of supervising the criminal procedure of the lower Federal courts and it has assumed the task of checking State-court decisions involving criminal trials and testing their validity by the due process clause of the 14th amendment. The fair trial doctrine has proved difficult to apply. So many variables are included within its ill-defined limits that it has failed to provide adequate guidance for State trial courts and has confused State and Federal courts called upon to review alleged denials of the right to counsel. Beaney, opere citato, page 230.

Clearly, the best method of getting improved and uniform rules of procedure to govern the right to counsel is by statute and rules of courts.

But lawyers are professionally obligated to contribute to a solution of the problem. Under the ethical canons of his profession "a lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best effort in his behalf—Canon, volume 4.

President Truman in 1951, covered the situation in an earnest warning:

> The bar has a notable tradition of willingness to protect the rights of the accused. It seems to me that if this tradition is to be meaningful today, it must extend to all defendants, including persons accused of such abhorrent crimes as conspiracy to overthrow the Government by force, espionage, and sabotage. Undoubtedly, some uninformed persons will always identify the lawyer with the client. But I believe that most Americans recognize how important it is to our tradition of fair trial that there be adequate representation by competent counsel. Lawyers in the past have risked the obloquy of the uninformed to protect the rights of the most degraded. Unless they continue to do so in the future, an important part of our rights will be gone.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House following the legislative program and any special orders heretofore entered, was granted to:

Mr. DEANE, for 20 minutes, on Monday next.

Mrs. ROGERS of Massachusetts, for 5 minutes, on today.

Mr. HESELTON, for 20 minutes, on tomorrow and on Monday.

Mr. THOMPSON of New Jersey, for 30 minutes, today, and to revise and extend his remarks.

Mr. VANIK, for 10 minutes on Monday, and 10 minutes on Tuesday next.

Mrs. ROGERS of Massachusetts to vacate her special order of 5 minutes for Saturday, July 21.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the RECORD, or to revise and extend remarks, was granted to:

Mr. DODD.

Mr. RODINO in two instances.

Mr. CORBETT.

Mr. PILLION.

Mr. PASSMAN (at the request of Mr. BROOKS of Louisiana).

Mr. DONOHUE in two separate instances, in each to include extraneous matter.

Mr. WALTER and include an address he delivered to the American Legion Convention.

Mr. VANIK, and to include extraneous matter.

Mr. DOYLE. Mr. Speaker, during the afternoon in my presentation of my amendment to the civil-rights bill I did not have time to read quotations from a booklet published by the American Heritage Foundation. I did receive from the committee the privilege to revise and extend my remarks.

I now ask unanimous consent to include in my remarks made this afternoon during the debate certain quotations from the American Heritage Foundation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BETTS.

Mr. TOLLEFSON in two instances and to include extraneous matter.

Mr. HAYS of Ohio.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5337. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities; and

H. R. 9801. An act to authorize and direct the Panama Canal Company to construct, maintain, and operate a bridge over the Panama Canal at Balboa, C. Z.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3073. An act to grant a franchise to D. C. Transit System, Inc., and for other purposes; and

S. 3498. An act to extend authority of the American Battle Monuments Commission to all areas in which the Armed Forces of the United States have conducted operations since April 6, 1917, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that Committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 2603. An act to authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police Force and the Fire Department of the District of Columbia may reside;

H. R. 4493. An act to authorize the Board of Commissioners of the District of Columbia to permit certain improvements to two business properties situated in the District of Columbia;

H. R. 5566. An act to terminate the existence of the Indian Claims Commission, and for other purposes;

H. R. 5853. An act to amend the act entitled "An act to regulate the practice of veterinary medicine in the District of Columbia," approved February 1, 1907;

H. R. 7380. An act to amend the District of Columbia Police and Firemen's Salary Act of 1953 to correct certain inequities;

H. R. 7723. An act to authorize the Secretary of Agriculture to convey certain lands in Phelps County, Mo.; to the Chamber of Commerce of Rolla, Mo.;

H. R. 8149. An act to amend the act of April 1, 1942, so as to permit the transfer of an action from the United States District Court for the District of Columbia to the

municipal court for the District of Columbia at any time prior to trial thereof, if it appears that such action will not justify a judgment in excess of $3,000;

H. R. 9742. An act to provide for the protection of the Okefenokee National Wildlife Refuge, Georgia, against damage from fire and drought;

H. R. 9842. An act to authorize the Postmaster General to hold and detain mail for temporary periods in certain cases;

H. R. 10010. An act for the relief of Roy Click; and

H. R. 11077. An act to amend the Atomic Energy Community Act of 1955, and for other purposes.

ADJOURNMENT

Mrs. GREEN of Oregon. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 23 minutes p. m.) the House adjourned until tomorrow, Saturday, July 21, 1956, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2073. Under clause 2 of rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a report covering claims paid during the 6-month period ending June 30, 1956, on account of the correction of military records of Coast Guard personnel, pursuant to section 207 (e) of the Legislative Reorganization Act of 1946, as amended by Public Law 220, 82d Congress, was taken from the Speaker's table, and referred to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ENGLE: Committee of conference. S. 497. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Washoe reclamation project, Nevada and California; without amendment (Rept. No. 2834). Ordered to be printed.

Mr. MOSS: Committee on Post Office and Civil Service. H. R. 8353. A bill to further the economic and efficient operation of the business of the Post Office Department by the expansion of the existing research and development program of such department and the establishment of a postal service automatic equipment program, and for other purposes; with amendment (Rept. No. 2837). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works. H. R. 12025. A bill to provide for a President's Advisory Commission on Presidential Office Space; with amendment (Rept. No. 2838). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3266. An act to authorize officers of the Coast and Geodetic Survey to act as notaries in places outside the United States; without amendment (Rept. No. 2839). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 4011. An act to amend section 650 of title 14, United States Code, entitled "Coast Guard," relating to the Coast Guard supply fund; without amendment (Rept. No. 2840). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works. S. 4116. An act to increase the membership of the Senate Office Building Commission; without amendment (Rept. No. 2841). Referred to the House Calendar.

Mr. O'BRIEN of Illinois: Committee on Ways and Means. H. R. 4392. A bill to amend the Internal Revenue Code of 1954 to provide a special method of taxation for real-estate investment trusts; with amendment (Rept. No. 2842). Referred to the Committee of the Whole House on the State of the Union.

Mr. KEAN: Committee on Ways and Means. H. R. 10622. A bill to amend section 2011 (c) of the Internal Revenue Code of 1954; with amendment (Rept. No. 2843). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. S. 4099. An act granting the consent of Congress to the Pittsburgh Plate Glass Co. for the construction of a dam on the North Branch of the Potomac River; without amendment (Rept. No. 2844). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. House Concurrent Resolution 258. Concurrent resolution accepting without cost to the United States copies of the recording Pledge of Allegiance to the Flag and providing for distribution of such copies; without amendment (Rept. No. 2845). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 563. Resolution to provide additional funds for the expenses of the study and investigation authorized by House Resolution 262; without amendment (Rept. No. 2846). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 566. Resolution to provide funds for the Committee on Merchant Marine and Fisheries; without amendment (Rept. No. 2847). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 595. Resolution to provide additional funds for the expenses of the study and investigation authorized by House Resolution 35; without amendment (Rept. No. 2848). Ordered to be printed.

Mr. CANNON: Committee on Appropriations. H. R. 12350. A bill making supplemental appropriations for the fiscal year ending June 30, 1957, and for other purposes; without amendment (Rept. No. 2849). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. S. 3879. An act to supplement the antitrust laws of the United States, in order to balance the power now heavily weighted in favor of automobile manufacturers, by enabling franchise automobile dealers to bring suit in the district courts of the United States to recover compensatory damages sustained by reason of the failure of automobile manufacturers to act in good faith in complying with the terms of franchises or in terminating or not renewing franchises with their dealers; with amendment (Rept. No. 2850). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 12073. A bill for the relief of William C. Brady and Joyce Brady; with amendment (Rept. No. 2830). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. Senate Concurrent Resolution 84. Concurrent resolution favoring the suspension of deportation in the cases of certain aliens; without amendment (Rept. No. 2831). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 267. An act for the relief of Ellen Kjosnes and Unni Kjosnes; with amendment (Rept. No. 2832). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2916. An act for the relief of Mrs. Aliberta Bernard; with amendment (Rept. No. 2833). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3196. An act for the relief of Helen Mar Stanger, with amendment (Rept. No. 2835). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3255. An act for the relief of Amin Habib Nabhan, with amendment (Rept. No. 2836). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBERT:

H. R. 12323. A bill to provide for the renewal of certain grazing leases of Federal land in the Lake Texoma, Denison Dam project area, Oklahoma and Texas; to the Committee on Public Works.

By Mr. BROYHILL (by request):

H. R. 12324. A bill authorizing the conferring of appropriate degrees by the District of Columbia Teachers College on those persons who have met the requirements for such degrees, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAYS of Ohio:

H. R. 12325. A bill to constitute certain libraries as designated depositories of Government publications; to the Committee on House Administration.

By Mr. HINSHAW:

H. R. 12326. A bill to amend section 502 of the General Bridge Act of 1946 and for other purposes; to the Committee on Public Works.

By Mr. McMILLAN:

H. R. 12327. A bill to provide that the compensation of the Commissioners of the District of Columbia shall be at the rate of $17,000 each per annum; to the Committee on the District of Columbia.

By Mr. WIDNALL:

H. R. 12328. A bill to extend and amend laws relating to the provision and improvement of housing and the conservation and development of urban communities, and for other purposes; to the Committee on Banking and Currency.

By Mr. BERRY:

H. R. 12329. A bill to authorize the Secretary of the Air Force to acquire certain real property in the vicinity of Ellsworth Air Force Base, Rapid City, S. Dak.; to the Committee on Armed Services.

By Mr. DOLLIVER:

H. R. 12330. A bill to provide for the issuance of a special postage stamp in honor of Kate Shelley and other women of the United States associated with American railroading; to the Committee on Post Office and Civil Service.

By Mr. MURRAY of Illinois:

H. R. 12331. A bill to amend the Internal Revenue Code of 1954 to exempt golf club dues and membership fees from the tax on club dues; to the Committee on Ways and Means.

By Mr. SMITH of Mississippi:
H. R. 12332. A bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON:
H. R. 12350. A bill making supplemental appropriations for the fiscal year ending June 30, 1957, and for other purposes.

By Mr. QUIGLEY:
H. J. Res. 694. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment thereto; to the Committee on the Judiciary.

By Mr. COOPER:
H. J. Res. 695. Joint resolution to suspend the application of certain Federal laws with respect to personnel employed by the House Committee on Ways and Means in connection with the investigations ordered by House Resolution 331 and House Resolution 606, 84th Congress; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALLEN of California (by request):
H. R. 12333. A bill for the relief of Pioneers, Inc., a corporation, and Jess M. Ritchie, individually, and as an officer of said corporation; to the Committee on the Judiciary.

By Mr. BOYLE:
H. R. 12334. A bill for the relief of Arthur Lebovitz; to the Committee on the Judiciary.

By Mr. BROYHILL (by request):
H. R. 12335. A bill for the relief of Gertrude T. Bridges; to the Committee on the Judiciary.

By Mr. DAVIS of Wisconsin:
H. R. 12336. A bill for the relief of Mrs. Natalija Djurovic Bogojevich; to the Committee on the Judiciary.

By Mr. GAMBLE:
H. R. 12337. A bill for the relief of Oleg K. Onatzevitch and Inna P. Onatzevitch; to the Committee on the Judiciary.

By Mr. HEALEY:
H. R. 12338. A bill for the relief of Bessie Yu (nee Huang); to the Committee on the Judiciary.
H. R. 12339. A bill for the relief of Agnes Chung (nee Chan) and Chung Yin Own; to the Committee on the Judiciary.
H. R. 12340. A bill for the relief of Lucina Lee; to the Committee on the Judiciary.
H. R. 12341. A bill for the relief of Jeanette J. Wong (also known as Tsi Ping Wang) and Kwei Yang Wang (nee Chang); to the Committee on the Judiciary.
H. R. 12342. A bill for the relief of Dr. Bao Jen Chern; to the Committee on the Judiciary.

By Mr. HYDE:
H. R. 12343. A bill for the relief of Morris B. Wallach; to the Committee on the Judiciary.
H. R. 12344. A bill for the relief of Julian H. McWhorter; to the Committee on the Judiciary.

By Mr. JOHNSON of California:
H. R. 12345. A bill for the relief of Claudio Diaz Torres; to the Committee on the Judiciary.

By Mr. JUDD:
H. R. 12346. A bill for the relief of Sophia Kwang Huang; to the Committee on the Judiciary.

By Mr. KEAN:
H. R. 12347. A bill for the relief of Kendall Leroy Simmonds; to the Committee on the Judiciary.

By Mr. YOUNG:
H. R. 12349. A bill for the relief of Marion L. Barstow; to the Committee on the Judiciary.

By Mr. SHEEHAN:
H. R. 12348. A bill for the relief of Eugenia Dlugopolska; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1199. By Mr. BAUMHART: Petition of the Associated Farmers of Huron County, Ohio, transmitting a proposed resolution from the Fitchville Memorial Post, No. 729, concerning the Agricultural Adjustment Act; to the Committee on Agriculture.

1200. By Mr. HAYS of Arkansas: Petition of W. A. Bruce, president, Health Freedom League of Arkansas, Inc., expressing objection to artificial fluoridation of public drinking water; to the Committee on Interstate and Foreign Commerce.

1201. By the SPEAKER: Petition of the city clerk, Chicago, Ill., requesting the enactment of pending legislation to safeguard the lives and property of air travelers, particularly the bill, S. 2972, now pending before the Congress; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

The Clergy in Civil Defense

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, July 20, 1956

Mr. RODINO. Mr. Speaker, the need for active participation by the clergy in civil defense activities should be obvious to cleric and layman alike, but efforts expended by religious and related groups in this truly vital field have been limited to a potentially disastrous degree. At first glance, this deplorable condition might appear the fault of the Federal Civil Defense Administration; such an impression, however, is erroneous. The Federal Civil Defense Act of 1950 specifically, and repeatedly, placed primary responsibility for effectuating civil defense upon the States and local political subdivisions. The national agency cannot order anyone to do anything. It can only advise and recommend. In the field of religion it has offered a comprehensive plan for the integration of religious aspects into State and local civil defense programs.

To coordinate its own recommendations, as well as to receive and evaluate the suggestions of interested citizens, the FCDA in February of 1955 established a Religious Affairs Office, headed by a clergyman. The new group has met several times with the National Religious Advisory Committee to the FCDA, an organization first set up in February 1951, to work out a religious-activities program which can be integrated into civil defense systems at State and local levels. It is hoped that a pattern acceptable to civil defense officials and clergymen alike will be realized. Thus far, the State and local civil defense units have given pitifully meager attention to the role the clergy should assume in our struggle to preserve America's identity.

Some of the basic responsibilities in the preattack phase of civil defense which the clergy must accept, it seems to me, are these:

First, the ministers, priests, and rabbis must strive to instill in their congregations recognition of the need for all to maintain their composure and resolution under the most trying circumstances. Second, they must inculcate a sense of responsibility in our people and, at the same time, clothe them with spiritual security. Such goals can perhaps best be attained through personal ministration to both families and individuals.

A third responsibility of the clergy in the preattack period is to encourage the enlistment of volunteers for civil-defense services, while assigning members of their own organization to serve as chaplains to the various components of the local civil-defense systems, such as the warden, rescue, and fire-fighting units.

A fourth responsibility is that of planning and arranging the role of clergymen both in the mutual-aid compacts which most of the States have already negotiated and in the mobile-support programs which constitute one of the more important aspects of such compacts.

A fifth, and perhaps most vital, service to be assumed by the clergy is the affording of material assistance and spiritual comfort alike to those of us who have to evacuate to reception centers in response to warnings of anticipated or actual air attacks. Whether the threat materializes or not, people massed at designated points of refuge would be less than human if an awful thread of fear did not run through them, one and all. It must be a primary responsibility of the clergy to prevent this apprehension from developing into catastrophic panic.

In this many faceted program to impart courage and faith, children, of course, must receive a large measure of attention. The shadows of fear which already are clouding their impressionable minds could be largely dissipated through the establishment, among other expedients, of regular programs of religious education. The children should be taught that God's saving grace envelops all mankind; but that He expects them to help themselves through mutual cooperation and by instant response to the instructions of their parents, their teach-